

4 DECEMBER 1946

I N D E X
Of
WITNESSES
NONE

I N D E X
Of
EXHIBITS

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1 Wednesday, 4 December, 1946

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before.

14 For the Prosecution Section, same as before.

15 For the Defense Section, same as before.

16 The Accused:

17 All present except OKAWA, Shumei, who is
18 represented by his counsel.

19 - - -

20 (English to Japanese and Japanese
21 to English interpretation was made by the
22 Language Section, ILTFE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Major Moore.

4 LANGUAGE ARBITER (Major Moore): Mr. Presi-
5 dent, I intended to present a language correction
6 this morning, but it seems the Language Section is
7 not ready to put it in simultaneously and I could
8 present it tomorrow morning, with the Tribunal's
9 permission.

10 THE PRESIDENT: Mr. Justice Mansfield. Mr.
11 Justice Mansfield, we are all very much concerned
12 with the length of the evidence dealing with conven-
13 tional war crimes, that is, alleged atrocities. It
14 is not very clear yet to what extent the accused
15 can be associated with that particular class of
16 crime. I know that you will contend that the Burma-
17 Thailand Railway was a military project and that the
18 prisoners of war were unlawfully employed thereon.
19 There is also evidence that that particular project
20 was authorized by the Japanese Cabinet, and there
21 was a report to the accused TOJO covering operations
22 on the line and the treatment of prisoners. The
23 accused SHIGEMITSU is also mentioned in that regard.
24 But there are other conventional war crimes with
25 which the association of the accused has not been

1 made so clear up to date. It would, of course, be
2 regrettable should we hear a vast amount of evidence
3 extending over many weeks, only to discover that
4 the accused could not be associated with the matters
5 dealt with. Could you give us any assistance on
6 that?

7 MR. JUSTICE MANSFIELD: If the Tribunal
8 please, the case for the prosecution rests upon
9 several factors. First of all, there are certain
10 admissions in the interrogations of the accused
11 with regard to these war crimes, which have not yet
12 been put before the Tribunal. Secondly, there are
13 certain direct acts of some of the accused with
14 regard to orders, and the formulation of, for ex-
15 ample, the Prisoner of War Punishment Act and the
16 act under which the American aviators who were shot
17 down in Japan were executed without trial.

18 With regard to the accused TOJO, in addition
19 to the office which he held at the relevant time,
20 he directly announced on one occasion that Japan
21 would not follow the Geneva Convention. In addi-
22 tion, he gave instructions to camp commanders, at
23 meetings of camp commanders, which were contrary to
24 the rules of international warfare.
25

THE PRESIDENT: Well, I think you have said

1 enough, Mr. Justice Mansfield, to set our minds at
2 rest about the matter that I mentioned.

3 MR. JUSTICE MANSFIELD: Thank you.

4 THE PRESIDENT: Mrs. Strocker.

5 MRS. STROCKER: Your Honor, Mr. Laverge
6 will proceed with the reading of the documents, if
7 the Court so please.

8 THE PRESIDENT: Mr. Laverge.

9 MR. LAVERGE: Your Honor, there is still
10 one more document belonging to the group of docu-
11 ments which Mrs. Strocker introduced yesterday,
12 which we wish to refer to.

13 "We respectfully call the Tribunal's attention
14 to court exhibit (41, being a telegram from Canton
15 to Tokyo, dated 14 July 1941. In this telegram it
16 is stated that the purpose of the occupation of the
17 southern part of French Indo-China is to launch from
18 there a rapid attack as soon as the international
19 situation is suitable. In this connection the first
20 step to be taken is the sending of an ultimatum to
21 the Netherlands Indies.

22 Having presented to the Tribunal a number of
23 documents showing how the idea --

24 THE PRESIDENT: Mr. Levin.

25 MR. LEVIN: Mr. President, we do not wish to

1 unduly object, but we do feel that in the reading
2 of these documents that the documents so speak for
3 themselves and so clear that no lengthy explanation
4 of their contents should be made. It seems it is
5 largely in the nature of a summary. While I appre-
6 ciate that a word or two to indicate the character
7 of the document is quite essential, nevertheless,
8 we do believe that they should be restricted to a
9 minimum.

10 THE PRESIDENT: I have already requested
11 the prosecutor to restrict the explanations to a
12 minimum. I think the Dutch section of the prosecu-
13 tor are observing that request.

14 Mr. Laverge.

15 MR. LAVERGE: Having presented to the
16 Tribunal a number of documents showing how the idea of
17 a Japanese advance to the south gradually came to
18 be the established Japanese policy, we will now
19 present a number of documents dealing with direct
20 relations and negotiations between the Netherlands
21 and Japan in 1940 and 1941. These documents will
22 show how Japan tried to prepare for an advance into
23 the Netherlands Indies by making far-reaching
24 demands upon the Netherlands authorities and by the
25 execution of political pressure and military threats.

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21 and Japan in 1940 and 1941. These documents will
22 show how Japan tried to prepare for an advance into
23 the Netherlands Indies by making far-reaching
24 demands upon the Netherlands authorities and by the
25 execution of political pressure and military threats.

1 At this point we would like to call the Tri-
2 bunal's attention to the fact that the development
3 of Japanese policy to advance southward, on which
4 direct evidence has been presented, was, as the
5 evidence will show, from month to month reflected
6 in the Japanese demands on the Netherlands Indies and
7 in the Japanese attitude toward the Netherlands.

8 We respectfully call the Tribunal's attention
9 to Exhibit 52 being the Treaty of Judicial Settle-
10 ment, Arbitration and Conciliation between Japan
11 and the Netherlands, signed at The Hague on 19
12 April 1938. As this exhibit has not yet been read
13 we will, with the Tribunal's permission, proceed to
14 read a few relevant parts thereof.

15 At this point we wish to add that this is one
16 of the prosecution's basic documents, admitted at
17 the beginning of the prosecution's case. At that
18 time copies in English and Japanese were distributed
19 to the defense. A few days ago, however, it was
20 noticed that the Japanese translation was incorrect.
21 A new Japanese translation was, therefore, prepared,
22 which was distributed to the defense yesterday.

23 We will read the heading of the treaty:
24 "THE RAJYOTI THE QUEEN OF THE NETHERLANDS
25 and

1 "HIS MAJESTY THE EMPEROR OF JAPAN,

2 "Equally desirous of strengthening the friendly
3 relations which have existed between the Netherlands
4 and Japan for centuries,

5 "Firmly resolved in no case to seek a settle-
6 ment other than by pacific means of disputes of any
7 character which may arise between their two countries,

8 "Have decided to conclude a Treaty for that
9 purpose."

10 I will now read Article 1.

11 "All disputes of any character arising between
12 the High Contracting Parties, which it has not been
13 possible to settle amicably within a reasonable
14 period by the normal diplomatic procedure, shall be
15 justiciable, by common accord between the Parties or
16 at the request of either one of them, by a Permanent
17 Conciliation Commission to be established under the
18 provisions of the present Treaty and to exercise its
19 functions in accordance therewith. Disputes which in
20 the opinion of both Parties are of a juridical
21 character shall be submitted to the Permanent Con-
22 ciliation Commission only by common accord between
23 the Parties."

24
25 I will now read Article 11.

"The Permanent Conciliation Commission for which

1 the present Treaty provides shall be composed of
2 five members, who shall be appointed as follows,
3 that is to say: the High Contracting Parties shall
4 each appoint one of their own nationals to be a
5 Commissioner, and the remaining three Commissioners
6 shall be chosen by common accord from nationals of
7 third Powers in such wise that each is of a dif-
8 ferent nationality, one of the latter to be appointed
9 by the High Contracting Parties as President of the
10 Commission."

11³ Next we will read Article 25.

12 "The present Treaty shall come into force as
13 soon as the ratifications have been exchanged and
14 shall remain in force for a period of five years as
15 from its coming into force. If not denounced six
16 months before the expiry of the said period, it
17 shall be deemed to be tacitly renewed for further
18 successive periods of five years.

19 "Any proceedings of whatever kind under the
20 present Treaty which may be pending, at the time of
21 the expiry of the same, before the Permanent Con-
22 ciliation Commission, the Permanent Court of Inter-
23 national Justice or the Arbitral Tribunal shall con-
24 tinue until they are concluded."

25 Lastly, we shall read the protocol of signature.

1 "At the moment of proceeding to the signature
2 of the Treaty of Judicial Settlement, Arbitration
3 and Conciliation between the Netherlands and Japan,
4 the undersigned Plenipotentiaries declare themselves
5 agreed as to the following:

6 "(1) The aforesaid Treaty shall be applicable
7 to all disputes which may arise between the two
8 countries not directly affecting the interests of
9 third Powers.

10 "(2) Should the legal situation of Japan in
11 relation to the Permanent Court of International
12 Justice be modified as a result of the withdrawal of
13 Japan from the League of Nations, notice of which
14 was given on March 27th, 1933, becoming definitive,
15 the High Contracting Parties shall proceed, at the
16 request of the Japanese Government, to enter into
17 negotiations in order to decide whether it is neces-
18 sary to amend the provisions of the said Treaty
19 relating to the said Court. For the period of such
20 negotiations the application of the said provisions
21 shall be suspended. Nevertheless, proceedings
22 pending before the Court at the time of the Japanese
23 Government's request shall continue until a con-
24 clusion is reached and the provisions of the Treaty
25 shall continue to be applicable to decisions of the

Court in such cases."

1 This Treaty was ratified on 12 August 1935, as
2 may be seen on page 1 of exhibit 52.

3 The permanent Conciliation Commission mentioned
4 in Article 1 of the Treaty was appointed on November
5 1935. This is shown in prosecution document 821-B,
6 an excerpt from prosecution document 821.
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1 We present for identification only,
2 prosecution document 821.

3 The excerpt therefrom, prosecution docu-
4 ment 821-B, is offered in evidence.

5 CLERK OF THE COURT: Prosecution's document
6 No. 821 will receive exhibit No. 1307 for identification
7 only.

8 (Whereupon, the document above referred
9 to was marked prosecution's exhibit No. 1307
10 for identification.)

11 THE PRESIDENT: The excerpt is admitted on
12 the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 821-B, said excerpt, will receive exhibit No. 1307-A.

15 (Whereupon, the document above
16 referred to was marked prosecution's exhibit
17 No. 1307-A, and was received in evidence.)

18 MR. LAVERGE: We will now read exhibit 1307-A.

19 "Collections of the Official Announcements
20 of the Foreign Ministry, No. 14, for 1935.

21 "(Announced on 31 October.)

22 "Item 17. Establishment of the Permanent
23 Conciliation Commission between Japan and the
24 Netherlands.

25 "The ratifications of the Japan-Netherlands

1 Treaty of Judicial Settlement, Arbitration, and Con-
2 ciliation, which had been signed at The Hague on
3 19 April Showa 8 (1933), were exchanged at The Hague
4 on the 12th of August this year. According to
5 Article 12 of the Treaty, a Permanent Conciliation
6 Commission, composed of 2 members, representing each
7 of the signatory powers, and 3 other members from
8 third powers, is to be established as soon as possible
9 after the Treaty comes into force. In pursuance of
10 this, the Governments of the two countries consulted
11 each other privately in regard to the organization
12 of the Commission. The formalities were carried out
13 very smoothly and formalities for the appointments
14 of Baron Kiichiro HIRANUMA for Japan and of Beelaerts
15 van Blokland (Netherlands Foreign Minister at the
16 time of the conclusion of the Treaty and presently
17 Vice-President of the Privy Council) for the Nether-
18 lands, have been completed. Informal acceptance of
19 appointments have been already obtained from the can-
20 didates for third power members, namely, Max Hueber
21 (a Swiss, President of the International Red Cross
22 Committee and ex-President of the International Court
23 of Justice) to be Chairman of the Commission, Raoul
24 Fernandez (a Brazilian, ex-Ambassador to Belgium),
25 and Johann Ludwig Gorwinkel (a Norwegian, ex-Premier

1 and ex-Foreign Minister) to be the other third power
2 members. Accordingly, the organization of the Com-
3 mission is expected to be formally completed on
4 November 1. This Commission is a permanent organiza-
5 tion charged with the duty of settling by conciliation
6 all disputes between Japan and the Netherlands which
7 cannot be settled by diplomatic means. This type of
8 Commission is the first one for Japan."

9 The Treaty of Judicial Settlement, Arbitra-
10 tion and Conciliation having come into force on
11 12 August 1935 remained binding on both parties until
12 12 August 1940 and would have remained binding for a
13 further five years if not denounced by one of the
14 contracting parties six months prior to that date.

15 We respectfully invite the Tribunal's atten-
16 tion to the fact that by its order, appearing in
17 Paper No. 387, it has taken judicial notice of the
18 fact that on 12 January 1940 the Japanese Government
19 informed the Netherlands Government of the abrogation
20 of this Treaty.

21 We offer in evidence prosecution document
22 2623, being a sworn statement by the Lieutenant-
23 Governor-General of the Netherlands Indies, Dr. H. J.
24 van Look, in which he deposes that a number of facts
25 related by him in a book of which he is the author are

1 true and correct.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's document
4 No. 2623 will receive exhibit No. 1308.

5 (Whereupon, the document above
6 referred to was marked prosecution's exhibit
7 No. 1308, and was received in evidence.)

8 MR. LAVERGE: We will now read certain parts
9 of exhibit 1308, starting at the top of page 2.

10 "Dr. Hubertus J. VAN MOOK, Lieutenant-
11 Governor-General of the Netherlands Indies, living
12 at Batavia, duly sworn, states:

13 "I am 52 years of age, of Dutch nationality
14 and born at Semarang, Netherlands Indies on May 30th,
15 1894. My permanent home is Batavia, where I am at
16 present living.

17 "In 1944 I published in New York with W. W.
18 Norton & Company, Inc. a book titled 'The Netherlands
19 Indies and Japan', subtitled 'Battle on Paper, 1940-
20 1941'. The same book was published in the same year
21 in London with George Allen & Unwin Ltd., with a
22 subtitle 'Their relations 1940-1941'.

23 "I was at that time Minister of the Colonies
24 in the Netherlands Government, temporarily residing
25 at London. "

1 "Formerly I had served in the Netherlands
2 Indies in several functions, joining the staff of
3 the Department of Economic Affairs in 1934. On
4 August 31st, 1937 I was appointed Director of Economic
5 Affairs ('Director' in the Netherlands Indies is
6 the head of a civil department). In August, 1940, I
7 was appointed temporary Minister Extraordinary and
8 Plenipotentiary and Chairman of the delegation for
9 the economic negotiations with Japan.

10 "In those functions I have had intimate
11 knowledge concerning the relations between the Nether-
12 lands in Asia and Japan during the last eight years
13 before the outbreak of war in the Pacific. This
14 factual knowledge has been laid down in my afore-
15 mentioned book. The facts mentioned therein have
16 come to my knowledge either as I witnessed them my-
17 self or out of official and other documents, to which
18 I had access in my aforementioned functions. All
19 the documents and speeches quoted in the book have
20 been carefully copied or translated from true copies
21 in my possession or available at the Ministries of
22 the Colonies and of Foreign Affairs in London and at
23 the Netherlands Embassy in Washington.

24 "I state and depose that in my aforementioned
25 book the facts have been given according to the truth."

1 "Especially I am able to state to have
2 personal knowledge of the following facts mentioned in
3 my book on the cited pages."

4 The Tribunal may want to consider the facts
5 of which Dr. van Mook states to have personal know-
6 ledge, and which are given on pages 3 to 5 of the
7 English text. We will not read this part, but will
8 continue reading at the bottom of page 5.

9 "Furthermore I wish to state that the pub-
10 lications in my book of the following documents are
11 full, true, complete and accurate copies of the origi-
12 nals or full, true, complete and accurate translations
13 of same. Only the superscriptions and signatures
14 have been omitted in the fully reproduced documents."

15 The Tribunal's attention is invited to the
16 list of documents which Dr. van Mook states to be
17 correctly reproduced in his aforementioned book.
18 We will not read the list.

19 THE PRESIDENT: Mr. Levin.

20 MR. LEVIN: Mr. President, I cannot say
21 at this time whether or not defense would require the
22 appearance of the witness for cross-examination, and
23 I would like to reserve that right.

24 THE PRESIDENT: The position is somewhat
25 unusual.

1 MR. LEVIN: And in the alternative, if we
2 do not make that request, we might make a request
3 for interrogatories of this witness -- of this
4 individual.
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THE PRESIDENT: Captain Brooks.

MR. BROOKS: I would like to raise objection to this document 2623, exhibit 1308, on pages 3 and pages 4 and following that, the similar material that is put in the book. Now, I believe that that should be stricken and disregarded because it is a persiflage of facts mentioned in the book without going into the facts and it is very peculiar. I don't think the book has been placed before the Court itself and since this is more of an index to the book, the page numbers in it, I can't see that it would have any probative value and I think should be expunged from consideration, from the record. If the prosecution had seen that this was of great importance I believe they would have read these points in there and inferences that might be drawn from some simple statement might not be brought out at all from the statements in the book itself.

THE PRESIDENT: We will hear what Mr. Laverge has to say as to the extent to which he proposed to use the book and how.

MR. LAVERGE: Your Honor, apart from a few short paragraphs here and there which give specific facts, the main purpose in using this book is to put before the Tribunal the different memoranda which have

1 been exchanged between the Japanese and Netherlands
2 authorities in 1940 and 1941.

3 THE PRESIDENT: Well, all I can say is we
4 will consider an application to have the author called
5 for cross-examination.

6 MR. BROOKS: Under the prosecution's state-
7 ment, your Honor, I believe it should be objected to.
8 It is not the best evidence to show the agreements or
9 exchange of notes as a summary from the book and it
10 should be objected to on this ground.

11 THE PRESIDENT: The strict rules of evidence
12 have no application, but naturally we will look for
13 the best evidence available.

14 MR. LAVROK: I would like to draw your
15 Honor's attention to the fact that vanMook states
16 that all the documents have been carefully and correctly
17 copied in his book. That is in his affidavit at the
18 bottom of page 5.

19 We offer, for identification only, prosecution
20 document No. 2611, being a book by Dr. H. J. van Mook
21 entitled "The Netherlands Indies and Japan, Battle on
22 Paper, 1940-1941," and published in the United States
23 in 1944.

24
25 CLERK OF THE COURT: Prosecution's document
No. 2611 will receive exhibit No. 1309 for identification

1 only.

2 (Whereupon, the document above referred
3 to was marked prosecution's exhibit No. 1309 for
4 identification.)

5 MR. LAVERGE: We offer in evidence excerpts
6 from the aforementioned book, prosecution document
7 2611.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution's document
10 No. 2611, an excerpt from the foregoing, will be given
11 exhibit No. 1309A.

12 (Whereupon, the document above referred
13 to was marked prosecution's exhibit No. 1309A
14 and received in evidence.)

15 THE PRESIDENT: Mr. Levin.

16 MR. LEVIN: Mr. President, I would like to
17 inquire whether or not the entire book is available
18 and if it is we would like to have it produced for,
19 at least, examination by the defense.
20

21 THE PRESIDENT: A book purporting to be that
22 book has been tendered and marked for identification --
23 tendered to be marked for identification. We assume
24 it is the book.

25 MR. LAVERGE: As the events related by
Dr. van Mook cover the complete Japanese-Netherlands

1 relations in the years 1940 and 1941 and there are
2 several other documents on this subject which the
3 prosecution intends to introduce as far as possible
4 in chronological order, we will at this stage read only
5 a part of this book, exhibit 1309A, and read further
6 parts of it at the appropriate stage in the course of
7 the presentation of our evidence.

8 We begin reading at the top of page 5 of
9 exhibit 1309A. I read:

10 "In the following account the principal
11 documents exchanged between the governments and their
12 representatives are given in their full original text --
13 as far as they were in English -- or in an accurate
14 translation. It seemed better to err on the side of
15 circumstantiality than to create the impression of
16 reticence. Errors in grammar, idiom and orthography
17 are copied from the originals, which were written in
18 a language foreign to both parties.

19 "Relations between the Netherlands Indies and
20 Japan presented no special difficulties until after
21 the world crisis of 1929. In 1899 a law had accorded
22 the Japanese the status of 'Europeans' in the Indies;
23 in 1912 a general trade treaty had put their activities
24 in that country with regard to trade, business, shipping,
25 and immigration on the footing of the usual most-

1 favoured-nation clause.

2 "The Japanese were late in the business field;
3 their participation in tropical agriculture and mining
4 remained very limited, not because of any opposition,
5 but because others had got the start on them. In
6 imports and exports, banking and shipping their share
7 was better and gradually increasing, but until about
8 1929 there were no disturbing developments

9 "When the world economic crisis began, this
10 situation changed rapidly and materially. Japan's
11 share in Netherlands Indies imports rose from 11 per
12 cent in 1929 to 30 per cent in 1935, whereas in the
13 same period those percentages for the Netherlands,
14 the rest of Europe, and America dropped from 20 to 13
15 per cent, from 28 to 23 per cent, and from 13 to 8 per
16 cent respectively. At the same time, the share of
17 Japan in Netherlands Indies exports was only 5 per
18 cent in 1935, as against 22, 18, and 15 per cent
19 respectively for the Netherlands, Europe, and America."

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1 The first note containing Japanese demands
2 upon the Netherlands Indies was delivered on 2
3 February 1940, shortly after the abrogation of the
4 aforementioned Arbitration Treaty. We will now read
5 this note, continuing to read from exhibit 1309-A,
6 starting at the second paragraph on page 6:

7 "Note, handed by Mr. ISHII, Japanese minister
8 at The Hague to Dr. Van Kleffens, Netherland Minis-
9 ter of Foreign Affairs, on the second of February,
10 1940.

11 "Chief items desired to be agreed upon between
12 Japan and the Netherlands.

13 "I. MATTERS RELATING TO COMMERCE.

14 "(1) Japanese side:

15 "(a) Japan is to refrain, as far as circum-
16 stances permit, from adopting any measure, pro-
17 hibiting or restricting the exportation of its
18 principal goods required by the Netherlands Indies.
19 (It is to be understood that the exportation may
20 sometimes be difficult for economic reasons.)

21 "(b) Japan is to adopt such measures as
22 deemed to be appropriate with a view to furthering
23 the importation of goods from the Netherlands Indies.

24 "(2) Netherlands Side:

25 "(a) The Netherlands Indies is likewise to

1 refrain from adopting any measure prohibiting or
2 restricting the exportation of its principal goods;
3 the prohibitive or restrictive measures, to which
4 the exportation of certain goods has already been
5 subjected are to be so modified as to render the
6 flow of goods easier between Japan and the Nether-
7 lands Indies.

8 "(b) The existing measures of import restric-
9 tions in respect of Japanese goods are to be abolished
10 or moderated.

11 "II. MATTERS RELATING TO ENTRY.

12 "(1) Japanese Side:

13 "Japan is, as at present, to adopt no
14 restrictive measures in future in respect of the
15 entry of employees of Netherlands firms in Japan.

16 "(2) Netherlands Side:

17 "The existing Foreigners Labour Ordinance
18 in the Netherlands Indies is to be abolished or
19 moderated.

20 "III. MATTERS RELATING TO ENTERPRISE AND
21 INVESTMENT.

22 "(1) Japanese Side:

23 "(a) Japan is to afford, within its influence
24 and competence, reasonable protection to Netherlands
25 interests in Manchukuo and China."

1 "(b) Facilities are to be afforded in respect
2 of new Netherlands investments in Japan; its offer
3 of investment to Manchukuo and China is to be re-
4 commended by Japan to be accommodated, to the govern-
5 ments concerned.

6 "(2) Netherlands Side:

7 "(a) Further facilities are to be extended
8 to the existing Japanese enterprises in the Nether-
9 lands Indies.

10 "(b) Facilities are to be granted to new
11 enterprises, including those under joint control
12 of Japan and the Netherlands.

13 "IV. CONTROL OF PRESS AND OTHER PUBLICATIONS
14 OF ANTI-JAPANESE NATURE.

15 "The anti-Netherlands tendency, if any, of
16 the press, magazines and other publications in
17 Japan on one hand, and the anti-Japanese tendency of
18 the press, magazines and other publications in
19 Netherlands and the Netherlands Indies on the
20 other are to be placed respectively under strict
21 control in conformity with friendly spirit prevail-
22 ing between Japan and the Netherlands.

23 "A suitable reply was still under considera-
24 tion when, on the tenth of May, 1940, the Nether-
25 lands were attacked and invaded by Germany."

1 "On May 18, the Japanese Consul-General at
2 Batavia visited the Director of Economic Affairs and
3 delivered condolences, requests, and veiled threats
4 almost in one and the same breath. On May 20, Foreign
5 Minister AHITA handed the following note to the
6 Netherland Minister in Tokyo:" --

7 MR. LOGAN: If the Tribunal please, we
8 fail to see how these agreements, or proposed agree-
9 ments, between Japan and the Netherlands are material
10 or relevant to any issue in this case. As I under-
11 stand the Indictment, there is no charge that Japan
12 broke any of these agreements. As a matter of fact,
13 I think in the opening statement of this phase it
14 appeared that the Netherlands declared war on Japan.

15 THE PRESIDENT: Formally. We know nothing
16 of the merits of that yet.

17 MR. LOGAN: That's right, your Honor. It
18 was formally done, but there is no charge in the
19 Indictment with respect to any breach of any economic
20 agreements, as I understand it. Furthermore, it
21 doesn't constitute a crime.

22 THE PRESIDENT: This could only be evidence
23 of aggression.

24 MR. LOGAN: I fail to see how it would be
25 any charge of aggression, your Honor, if both parties

1 voluntarily entered into this agreement, and there
2 is no charge otherwise. Not only is there no
3 charge, but there is no evidence that it was any-
4 thing otherwise than a voluntary agreement.

5 THE PRESIDENT: By virtue of agreement you
6 might get into a position to wage war aggressively
7 with great effect, but Mr. Laverge had better tell us
8 what the point of the evidence is.

9 MR. LAVERGE: Your Honor, this is not a
10 matter of agreement. What we are presenting here to
11 the Tribunal are demands by Japan of the Netherlands
12 Indies. These demands continued and increased for
13 a considerable time, and we intend to show that
14 through these demands an aggressive war was prepared
15 and the demands formed an integral part of the plans
16 for aggressive war.

17 MR. LOGAN: I fail to see how that would
18 be material or relevant, your Honor to either Counts
19 1, 4, 5, 14 and 32, such as they are proceeding
20 under in this phase. Certainly it can't be con-
21 tended that Japan conducted an aggressive war
22 against Netherlands, whether it was formally declared
23 or not, but it certainly is a fact that Japan never
24 declared war on the Netherlands; that war was
25 declared on Japan, and what resulted after December

1 8, 1941, certainly cannot be considered as an
2 aggressive war, or a crime on the part of Japan.

3 THE PRESIDENT: Britain's position was
4 similar. Japan did not declare war on Britain.
5 Britain declared war on Japan, but under what cir-
6 cumstances. However, this is developing into an
7 argument on the main points. It has got no real
8 bearing on the question of evidence. The evidence
9 now objected to is tendered as evidence of aggression
10 or of measures taken by Japan to insure effective
11 aggression. We will have to consider it in that
12 light. We may see fit to reject it eventually, but
13 at the present stage I don't think we can do so.

14 MR. LOGAN: If the Tribunal please, may I
15 just say this, that if I recollect correctly your
16 Honor stated on one occasion that economic aggression
17 was not a crime.

18 THE PRESIDENT: Unless it was associated
19 with aggressive war and directed to the waging of
20 aggressive war. The economic aggression referred to
21 on that occasion was that of America and Britain in
22 China. It was not associated with any war. There
23 was no suggestion that it was, nor are we trying
24 British or Americans. If a man is being tried for
25 burglary, it is no answer to say he shouldn't be

1 tried because there was another burglar who is not
2 being tried. I don't suggest for one moment there
3 was anything to take exception to the -- any justifi-
4 cation for any exception being taken to the at-
5 titude of Britain or America in China. We have
6 open minds on the responsibility of the accused here.

7 MR. LOGAN: I had intended, your Honor, to
8 complete the statement which you have made to the
9 effect that economic aggression was not a crime when
10 accompanied with aggressive war.

11 THE PRESIDENT: We cannot associate the
12 evidence offered now with that we have already re-
13 ceived as to the attitude of the Japanese towards
14 the Dutch East Indies.

15 MR. LOGAN: I had wished, your Honor, to
16 point out the distinction between the former case
17 and the present case. Here we have a case, even if
18 we assume that there was economic aggression up to
19 December 8, 1941, from that point on there can be
20 no charge of an aggressive war on the part of Japan,
21 because --

22 THE PRESIDENT: On the evidence I could
23 give you an answer lasting an hour, but it wouldn't
24 be the time. I have not ruled on your objection, but
25 I do so now. The objection is overruled.

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1 MR. LAVERGE: For the purposes of the
2 record, your Honor, we would like to point out that
3 the evidence we present relates more especially to
4 Counts 1, 4, 5, 14, and 32, but is in no way restricted
5 to those counts.

6 I continue reading from exhibit 1309A, at
7 the top of page 8:

8 "On May 20, Foreign Minister ARITA handed the
9 following note to the Netherlands Minister in Tokyo:

10 "Note handed to the Netherlands Minister in
11 Japan, General J. C. Pabst, by the Japanese Foreign
12 Minister, Mr. ARITA, on the twentieth of May, 1940.

13 "I have the honour to refer to my conversation
14 with Your Excellency on the 16th May concerning the
15 products of the Netherlands East Indies, in the
16 course of which you informed me that you had received
17 a telegram from the Governor-General of the Nether-
18 lands East Indies to the effect that the Government-
19 General of the Netherlands East Indies had no intention
20 of placing any restrictions in future on the exportation
21 to Japan of mineral oil, tin, rubber and other raw
22 materials which are of vital importance to Japan,
23 and that it was the desire of the same Government-
24 General to maintain the general economic relations
25 between Japan and the Netherlands East Indies as close

1 as ever.

2 "While informing Your Excellency that the
3 Japanese Government fully appreciate the communi-
4 cation of the Governor-General of the Netherlands
5 East Indies, I wish to point out that, in addition
6 to mineral oil, tin and rubber, there are many other
7 kinds of commodities hitherto imported into Japan
8 from the Netherlands East Indies which are of vital
9 importance to this country.

10 "It is, therefore, requested that the Governor-
11 General of the Netherlands East Indies would give
12 a definite assurance that, for the time being at
13 least, the quantities of the articles enumerated
14 in the attached list shall be exported to Japan each
15 year from the Netherlands East Indies under any
16 circumstances that may arise in the future.

17 "In view of the above-mentioned telegraphic
18 communication from the Governor-General of the
19 Netherlands East Indies and the wide powers with
20 which he has been vested since the outbreak of hostili-
21 ties between the Netherlands and Germany (vide Your
22 Excellency's note addressed to me under date of the
23 11th May), I shall be grateful if Your Excellency will
24 be good enough to inform me in writing as soon as
25 possible that the Governor-General of the Netherlands

1 as ever.

2 "While informing Your Excellency that the
3 Japanese Government fully appreciate the communi-
4 cation of the Governor-General of the Netherlands
5 East Indies, I wish to point out that, in addition
6 to mineral oil, tin and rubber, there are many other
7 kinds of commodities hitherto imported into Japan
8 from the Netherlands East Indies which are of vital
9 importance to this country.

10 "It is, therefore, requested that the Governor-
11 General of the Netherlands East Indies would give
12 a definite assurance that, for the time being at
13 least, the quantities of the articles enumerated
14 in the attached list shall be exported to Japan each
15 year from the Netherlands East Indies under any
16 circumstances that may arise in the future.

17 "In view of the above-mentioned telegraphic
18 communication from the Governor-General of the
19 Netherlands East Indies and the wide powers with
20 which he has been vested since the outbreak of hostili-
21 ties between the Netherlands and Germany (vide Your
22 Excellency's note addressed to me under date of the
23 11th May), I shall be grateful if Your Excellency will
24 be good enough to inform me in writing as soon as
25 possible that the Governor-General of the Netherlands

1 East Indies accedes to the above-mentioned request
2 of the Japanese Government."

3 I will not read the enumeration of articles
4 which Japan required.

5 I continue reading at the middle of page 9:

6 "Note addressed to Mr. H. ARITA, Japanese
7 Minister of Foreign Affairs, by the Netherlands
8 Minister in Tokyo on June 6, 1940. (Translation
9 from the original in French.)

10 "With reference to the correspondence between
11 the Netherland Government and the Japanese Government
12 on the subject of the improvement of the economic
13 relations between the two countries, I have the honour
14 to inform Your Excellency that the Netherland Govern-
15 ment highly appreciate the Japanese Government's
16 expression of sympathy with the difficult situation
17 in which the Netherlands find themselves as a conse-
18 quence of the war. My Government moreover appreciates
19 that the memorandum, which was to be presented by
20 the Japanese Minister at The Hague, and which was
21 on the 18th of May 1940 presented to the Governor-
22 General of the Netherlands Indies by the Japanese
23 Consul-General at Batavia, as further amplified by
24 Your Excellency's note dated May 20th, 1940, No. 1006,
25 was clearly actuated by concern, lest, in these difficult

1 times, a lack of contact and deliberation should
2 give rise to or protract tensions to the detriment
3 of the traditional friendly relations which, for
4 three centuries, so fortunately prevailed between
5 the Netherlands and Japan. The Netherland Government
6 agree with the Japanese Government on the necessity
7 of combating incorrect reports and misdirected
8 propaganda. This aim will be best furthered by
9 contacts made in an atmosphere of frankness and
10 objectivity.

11 "Her Majesty's Government see no cause whatso-
12 ever for serious concern about the relations between
13 the Netherlands and Japan and, more particularly,
14 about the relations between the Netherlands Indies
15 and Japan.

16 "In this respect it may serve to recall that
17 the economic relations between the two countries
18 were settled on the 9th of April 1937 by the so-
19 called Hart-ISHIZAWA agreement. On both sides promises
20 were made, and a number of apportionments were agreed
21 upon, whilst on other points and on the subject of
22 the application of the agreement, verbal as well as
23 written negotiations were continuously carried on.
24 Throughout these deliberations a spirit of goodwill
25 predominated. I may, for instance, mention that

1 in 1938 the Netherland Government thought fit to
2 draw the attention of the Japanese Government to
3 the fact that the prospects opened by the Hart-
4 ISHIZAWA agreement in respect of the gradual adjust-
5 ment of the balance of trade between the Netherlands
6 Indies and Japan and of Japan's promise to buy,
7 whenever possible, larger quantities of indigenous
8 products like sugar, still fell far short of their
9 realization. This step was dictated by the funda-
10 mental importance of these exports for the native
11 population. The importation of many Japanese articles
12 has its foundation in the purchasing power of this
13 population.
14

15 "Notwithstanding this none to satisfactory
16 outcome for the Netherlands Government, my Govern-
17 ment have accepted the explanation given by the
18 Japanese Government that the China Incident had a
19 considerable influence on economic conditions in
20 Japan, as well as on the fulfillment of this part
21 of the Hart-ISHIZAWA agreement. In judging the results
22 realized through the Hart-ISHIZAWA agreement, the
23 Netherland Government have always given due consider-
24 ation to those exigencies, which are the inevitable
25 consequence of war conditions. The Netherland Govern-
ment, therefore, are convinced that the fact that they,

1 too, were forced into war will have the Japanese
2 Government's consideration. This state of war
3 must, of necessity, have its repercussions on the
4 economic situation in the Netherlands Indies.

5 "In any case, my Government full understand
6 that it is important for Japan as well as for the
7 Netherlands Indies that the commercial relations
8 between the two countries develop without hindrance.

9 "With satisfaction the Netherlands Government
10 have taken notice of Your Excellency's statements
11 concerning the importance of maintaining the status
12 quo without reserve. This mutual declaration is
13 considered the more important, since the maintenance
14 of the status quo bears closely upon the interest of
15 their Allies as well as upon those of other countries
16 bordering upon the Pacific, as is clearly evidenced
17 by the statements made by Great Britain, France and
18 the United States of America.

19 "It is, in fact, of great importance for the
20 maintenance of peace in this part of the world that
21 the position of the Netherlands Indies remain unim-
22 paired, and that this country be able to continue
23 without interruption to act its part as a world-
24 supplier of various raw materials and food products.

25 "I may now be allowed to give a reply to Your

1 Excellency on the proposals contained in the note
2 of the Japanese Minister at The Hague of February
3 2nd 1940, and in the above-mentioned memorandum,
4 as further amplified by Your Excellency's note."

5 We will not read the further text of this
6 note. We will return to exhibit 1309A presently.
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1 We introduce in evidence Prosecution Document
2 2137E, a further document from Exhibit 540 for identi-
3 fication, being a decision of the Liaison Conference
4 of 27 July 1940.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution document
7 No. 2137E will receive exhibit No. 1310.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1310 and received in evidence.)

11 MR. LAVERGE: We will now read exhibit
12 No. 1310:

13 "Decision of Liaison Conference 27 July 1940
14 /SHOWA 15/

15 "Gist of Main Points in Regard to Dealing
16 with the Situation to meet the Change in World con-
17 ditions.

18 I will skip the next paragraph.

19 "1. To improve conditions at home and abroad
20 to cope with changes in the world situation.

21 "2. To accelerate the settlement of the
22 China Incident by promptly strengthening policies
23 towards CHINA for the main purpose of preventing Third
24 Powers from assisting the CHIANG regime.

25 "3. To settle the southern Problem within

1 the limits so as not to cause a war against a Third
2 Power.

3 "4. To fulfil especially the following
4 matters as policies for above three clauses.

5 "(1) To foster a strong political tie with
6 GERMANY and ITALY and to take active steps in the
7 adjustment of diplomacy towards the SOVIET UNION
8 while maintaining a firm front towards the UNITED
9 STATES.

10 "(2) To strengthen policies towards FRENCH
11 INDO-CHINA, HONGKONG and Settlements to check assist-
12 ance to the CHIANG Regime and root out the feeling
13 of enmity towards JAPAN.

14 "(3) To strengthen the diplomatic policy
15 towards the DUTCH EAST INDIES in order to obtain im-
16 portant materials.

17 "(4) To reform the war-time organization
18 at home."

19 We will now continue to read from exhibit
20 1309-A, document 2611, reading paragraphs 2 and 3
21 on page 16 of the English text:

22 "The exchange of notes here related had hardly
23 reached its conclusion when the Japanese Government
24 repeated their proposals for negotiation on a more
25 comprehensive scale. On the sixteenth of July they

1 informed the Netherland Minister in Tokyo of their
2 intention to send a delegation into Batavia for
3 economic negotiations, under the chairmanship of
4 Mr. SAKO, former Ambassador to Poland, and compris-
5 ing a number of assistants, military experts on war
6 materials, oil experts, etc. The Consul-General in
7 Batavia, Mr. O. SAITO, a very aggressive and expan-
8 sionist character, was to be included in the delega-
9 tion.

10 "If the subject matter of the proposed ne-
11 gotiations remained rather hazy, the question of per-
12 sonnel was very much in the foreground. A change
13 of Cabinet had led to the elimination of Mr. SAKO.
14 In his place Mr. SAWADA, former Ambassador to Brazil,
15 was named as chief delegate, to be dropped again pre-
16 sently for General KOISO. General KOISO, however,
17 had given an interview to the press on the third of
18 August, in which he had stated in rather violent terms
19 that the Netherland regime had always been most op-
20 pressive towards the indigenous population of the
21 Indies; he could not, in the view of the Netherland
22 Government, be acceptable as a delegate without at
23 least a public retraction or denial of that statement.
24

25 "While this question was still hanging fire,
the Japanese Government suddenly, on the twenty-

1 seventh of August, handed a memorandum to the Nether-
2 land Minister at Tokyo, begging to inform the Nether-
3 land Government that a special envoy to the Nether-
4 lands Indies had been appointed in the person of Mr.
5 I. KOBAYASHI, Minister of Commerce and Industry in
6 the KONOYE Cabinet. He would be seconded in his
7 mission, to establish closer economic relations be-
8 tween the two countries, by Mr. T. OTA, chief of sec-
9 tion in the Gaimusho, and by Mr. O. SAITO, Japanese
10 Consul-General in Batavia. They were to be accom-
11 panied by a staff of twenty-four assistants, including
12 one army, one air, and two naval officers. This im-
13 pressive company was to sail from Kobe on August 31."

1 MR. LAVERGE: We offer in evidence pros-
2 ecution document 2748A (2), being alternative drafts
3 of demands to be made on the Netherlands Indies.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 2748A (2) will receive exhibit No. 1311.

7 ("Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1311 and received in evidence.)

10 MR. LAVERGE: As will be seen from the
11 certificate for this document, exhibit No. 1311,
12 the date of these drafts was the middle of August,
13 1940.

14 We will now read exhibit 1311:

15 "DEMANDS AGAINST THE DUTCH INDIES.

16 "(Proposal No. 1).

17 "A. Proposed Principles.

18 "1. The Imperial Government has previously sub-
19 mitted to the Netherlands Government our demands
20 regarding the settlement of the important problems
21 pending between Japan and the Dutch Indies. According
22 to the reply in official correspondence dated 6 June
23 of this year, which was made in this connection by
24 the Dutch Minister in Tokyo to Foreign Minister ARITA,
25 it is understood that the part regarding the securing

1 of the supply of our essential goods has been generally
2 accepted. It is requested that the above security
3 be observed in the future.

4 "However, the Netherlands Government still does
5 not fully understand our true intentions in the
6 problems concerning the entrance of Japanese nationals
7 into the Dutch Indies, and enterprises and investments
8 by Japanese nationals in the Dutch Indies for the
9 development and utilization of its rich resources,
10 which are regarded as of the utmost importance by
11 the Japanese Government.

12 "It has been fully recognized during previous
13 negotiations that the settlement of these problems
14 has been our national desire for many years. However,
15 the Netherlands Government, without the least
16 friendly consideration from a general and practical
17 standpoint, is still repeating its biased legal argu-
18 ments and the Imperial Government cannot help but
19 express its great disappointment and dissatisfaction.

20 "It is the desire of the Imperial Government,
21 therefore, to express frankly our opinions on these
22 problems of entry, enterprise and investment and to
23 seek the profound consideration of the Netherlands
24 Government.

25 "2. In the first place there is no question but

1 that the present world instability and friction
2 between nations are caused mainly by unjust distri-
3 bution of resources due to unreasonable territorial
4 situations.

5 "For instance, in the present world situation,
6 there are vast undeveloped areas with abundant re-
7 sources in one part, and on the other hand, there
8 are not a few nations suffering from lack of
9 resources and over-population while possessing vigorous
10 powers of existence. Such a situation is really
11 irrational, and unless it is rationalized and put
12 right there will be international conflict and no
13 cause ever to hope for peace between nations.

14 "Consequently, in order to prevent the develop-
15 ment of such a situation, it will be of vital impor-
16 tance for countries possessing vast undeveloped terri-
17 tories of rich resources to voluntarily open their
18 resources to the world, allow free entrance of other
19 nationals, and abolish all restrictions imposed on
20 business enterprises and all other economic activities.

21 "3. The Japanese Empire willingly recognizes
22 that the policies taken in the past by the Netherlands
23 Government toward Dutch Indies have contributed, to
24 some extent, to the peace and prosperity of East Asia
25 by permitting comparatively free and equal economic

1 activities to all nations alike.

2 "However, it is regrettable that the policy
3 taken by the Netherlands Government toward the
4 Dutch Indies in recent years is of the nature of a
5 closed-door policy. The Dutch Indies may be under
6 Netherlands control, but geographically it is situated
7 within the Co-Prosperity Sphere for the East Asia
8 races. Accordingly, the Netherlands should first
9 open her rich resources in the Dutch Indies to
10 the races in East Asia and then for the prosperity
11 and welfare of all mankind.

12 "In spite of this, the Netherlands Government,
13 of late, has come down heavily on the side of the
14 interests of the Dutch and other Europeans. Early
15 on she gave vast rights to a few nations, geographically
16 distant from the Dutch Indies, for important enter-
17 prises, especially mining in that country, without
18 any desire for the prosperity and welfare of the
19 East Asia Co-Prosperity Sphere.

20
21 "In particular it is not only very unreasonable
22 for the Netherlands to have chosen a closed-door
23 policy toward Japan, with her great abilities for
24 exploration and development, but it is a neglect of
25 duty on her part as a member of the East Asia
Co-Prosperity Sphere."

1 "The Imperial Government has pointed out this
2 unreasonableness and has repeatedly asked the Nether-
3 lands Government for reconsideration, but up to the
4 present we have still been unable to get any results.
5 The Empire deeply regrets that this has given rise
6 to a feeling of great dissatisfaction among the
7 government and people of Japan.

8 "With regard to the views mentioned above,
9 and also in consideration of the internal affairs
10 of the Dutch Indies and her relations with third
11 powers, the Imperial Government, for the time being,
12 hereby submits our sincere and frank demands. It is
13 accordingly requested that your side promptly agree
14 to these demands in a broad-minded outlook based on
15 the traditional friendly relations between Japan and
16 the Netherlands."
17

18 THE PRESIDENT: That is a convenient break.
19 We will recess for fifteen minutes.

20 (Whereupon, at 1045, a recess was
21 taken until 1100, after which the proceedings
22 were resumed as follows:)
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24
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1 PRESIDENT OF THE COURT: The International
2 Military Tribunal for the East is now resumed.

3 THE PRESIDENT: Mr. Laverge.

4 MR. LAVERGE: Your Honor, I will continue
5 to read from exhibit 1311, starting at the top of
6 page 4:

7 "II. The Problems of Enterprises and In-
8 vestments.

9 "(1) New Enterprises.

10 "Recently, the Dutch Indies Government by the
11 issue or revision of various laws or through policies
12 other than laws, has reserved for itself almost all
13 of the prospective mining districts for petroleum
14 and other important minerals which we regard as of
15 the greatest importance. It has thus not only be-
16 come impossible for the Japanese to obtain these
17 mining rights, but the transfer of existing mining
18 rights has also been prohibited.

19 "On the other hand, the United States and
20 Great Britain, prior to the issue or revision of
21 these laws or the decision of the Government's poli-
22 cies, have secured prospective mining districts for
23 petroleum and other important minerals and are mining
24 on a large scale. Therefore, the Imperial Government
25 at this juncture requests the Dutch Indies Government

1 that mining of petroleum and various minerals,
2 applications pertaining to mining by Japanese
3 nationals, applications pertaining to the establish-
4 ment of various new enterprises, other than mining,
5 and the transfer of present rights held by Japanese
6 nationals, all be permitted from the standpoint of
7 equal opportunity, irrespective of the present laws
8 and government policies.

9 "Moreover, in regard to new enterprises
10 by Japanese nationals, free carrying out of actual
11 investigation in areas recognized by the Japanese as
12 being prospective shall be permitted even before
13 proceedings are taken for application as prescribed
14 in the mining laws or other laws concerned. New
15 enterprises which we wish to undertake at present
16 are as follows:

17 "(a) Mining.

18 "Prospecting and mining in all the petroleum
19 mining regions in the Dutch Indies (including govern-
20 ment reserved areas) as desired by the Japanese.
21 Prospecting and mining of various minerals in all the
22 prospective mining regions for other minerals in the
23 Dutch Indies (including government reserved areas), as
24 desired by the Japanese. Applications for mining
25 rights by those having the right to prospect shall be

1 granted without fail.

2 "(b) Other Enterprises.

3 "The establishment of air routes between
4 Japan and the Dutch Indies.

5 "The establishment of new navigation routes
6 between Japan and the Dutch Indies.

7 "The laying of submarine cables between
8 Japan and the Dutch Indies.

9 "Other fishery, forestry, agriculture,
10 manufacturing industries, etc , as desired by Japan.

11 "In connection with the establishment of
12 new enterprises as (a) and (b), mentioned above, the
13 Dutch Indies Government authorities shall give all
14 possible assistance and cooperation and render every
15 favour to their investigations and different prepa-
16 rations."

17 I will continue to read from the second
18 paragraph from the bottom from page 6 onward:

19 "III Newspapers

20 "(1) Heretofore, the Dutch Indies' auth-
21 orities have made it their policy to prevent Jap-
22 anese from running Malay and Chinese newspapers.
23 Japanese from now on shall be granted permission
24 to run them as well as Dutch and Chinese.

25 "(2) In the past the general Dutch Indies

1 officials and people have had no knowledge of Japan
2 and the Japanese and there have been many regrettable
3 features in their attitude towards Japan, thus
4 greatly hampering the friendly relations between the
5 two countries. Especially since the spreading of
6 the war to the Netherlands the constant acts of
7 violence and insult committed by the Dutch Indies
8 officials and people against the Japanese living
9 there, were caused by the lack of understanding
10 of the intentions of our country and by the ex-
11 tremely precautionary measures they adopted toward
12 the Japanese which instigated the general feeling.
13 On the other hand, the principal cause can be
14 attributed to the anti-Japanese attitude of the
15 Dutch Indies newspapers, which had given rise to
16 the people's general illwill toward the Japanese.
17 The Imperial Government thus demands the thorough
18 supervision of these newspapers as follows:

19 "(a) Newspapers run by the Dutch.

20 " The anti-Japanese attitude is strongest
21 in the Dutch newspapers, and in spite of the fact
22 that the Dutch papers are in a position to lead
23 Chinese and Malayan newspapers, they were hardly
24 ever supervised. They shall be thoroughly
25 supervised from now on."

1 "(b) Newspapers run by the Chinese.

2 "Supervision of the Chinese papers is still
3 lukewarm. Furthermore, the papers run by the Chinese
4 do not always represent the general public opinion
5 of the Chinese living in the Dutch Indies. They
6 are forcibly implanting anti-Japanese feeling and
7 leading the anti-Japanese movement and the boycott
8 of Japanese goods. It is no exaggeration to say
9 that the attitude of the Dutch Indies authorities has
10 been to overlook these facts. On the other hand, the
11 Dutch Indies authorities banned the publication of a
12 Japanese paper when it printed an article in support
13 of Wang Ching-wei, on the grounds that it instigated
14 the feeling of the Chinese in the Dutch Indies; and
15 they also prohibited any import of newspapers pub-
16 lished in our occupied territories in China, on the
17 grounds that they were of an anti-Chiang tendency.
18 This discriminating attitude of the Dutch Indies
19 authorities can be said to be pro-Chinese and anti-
20 Japanese. Therefore, we demand a stricter super-
21 vision from now on over newspapers run by the
22 Chinese and also demand revision of the biased
23 attitude toward our own newspapers."
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1 "DEMANDS AGAINST DUTCH EAST INDIES

2 "(The Second Proposal)

3 "A. Proposed Principles

4 "1. In the present condition of the world,
5 there are some countries which leave large areas undeveloped
6 because of insufficient developing capacities in spite of their occupying vast lands, which
7 are rich in resources, and on the other hand there
8 exist some countries which are suffering from population pressure and from lack of resources though they
9 have very active productive capacities. This condition is well called unreasonable indeed, and the present
10 European war itself is, after all, nothing but the outbreak of dissatisfaction on the part of the
11 newly risen nations against the old order based on the unreasonable and unjust distribution of territories and resources.
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19 "2. Well, let us look at the present conditions in East Asia: Two or three powerful European
20 nations have occupied vast areas in East Asia as colonies and have left the greater part undeveloped
21 with only the smaller parts developed. In spite of this fact, these nations adhere to policies of exclusion
22 against the nations that are building their countries in East Asia. However, the /Japanese/Empire
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1 has a confined territory and poor resources, even
2 though it has a big population with a high rate of
3 increase and excellent expansion powers. On the other
4 hand, besides Japan, the territories of the nations
5 of East Asia, except Thailand, are now all utilized
6 as colonies, chiefly for the necessities and interests
7 of the sovereign European nations, and no opportuni-
8 ties for sufficient advancement and development
9 either politically or economically are given by the
10 European nations to the original people who are kept
11 in the position of conquered. This is extremely un-
12 fair.

13 "3. The /Japanese/Empire is now devoting
14 itself to the mission of establishing a new order in
15 East Asia, and it is the desire of the Japanese
16 Empire to contribute for the firm establishment of
17 eternal peace of the whole world by creating a reci-
18 procal relationship of supply between the new order
19 sphere, which is to be organized in Europe and Amer-
20 ica, and the self-sufficient East Asia Co-Prosperity
21 Sphere centered around Japan, Manchuria and China,
22 and including the South Pacific.

23 "4. Well, as the Dutch Indies is a vast
24 area with rich resources within the East Asia Co-
25 Prosperity Sphere it is quite reasonable that its

1 resources should be quickly developed for the sake
2 of the prosperity and welfare, first of the people
3 of East Asia, and then of the people of the world.

4 "The government of the Dutch East Indies
5 has been regarding as of too great importance the
6 interests of Hollanders and other Europeans and has
7 been giving scant consideration to the prosperity
8 and welfare of the East Asia Co-Prosperity Sphere,
9 and in particular has been adhering to a policy of
10 exclusion against the Japanese, who have great ex-
11 ploiting and developing capacities. Although the
12 Imperial /Japanese/ Government has drawn attention
13 to the unreasonableness of this and has repeatedly
14 invited consideration of it, there have been no re-
15 sults, and the whole Japanese nation is now greatly
16 dissatisfied. The above is a matter of deep regret
17 to the Imperial /Japanese/ Government.

18 "5. In line with the above views, the Im-
19 perial /Japanese/ Government, as the stabilizing
20 power of East Asia, hereby expresses straightfor-
21 wardly to the government of the Dutch East Indies
22 its earnest desire to forward the establishment of
23 a new order for the sake of the mutual welfare of
24 the nations in East Asia, and requests that the
25 government of the Dutch Indies take cooperating

1 measures to the above purpose, and produces herewith
2 the following demands:

3 "B. Our Demands

4 "1. Political Questions

5 "(1) The Dutch Indies should cut off rela-
6 tions with Europe and should quickly take a position
7 as a member of the East Asia Co-Prosperity Sphere.

8 "(2) Complete self-government by the Indo-
9 nesians should be allowed.

10 "(3) The Dutch East Indies should conclude
11 the concrete agreement with the /Japanese/ Empire
12 necessary for self defense in order to maintain
13 firmly the peace of the East Asia Co-Prosperity
14 Sphere, which includes the above Dutch Indies.

15 "2. Economical Questions

16 "(1) The subjects of the /Japanese/ Empire
17 should be afforded the same treatment as the subjects
18 of the Netherlands in entering the Dutch Indies, in
19 living in the Dutch Indies, in protection of persons
20 and properties, in travel, in acquisition of personal
21 and real estate, in management of business and enter-
22 prises (including aviation), and in all other matters
23 in connection with navigation and trade.

24 "(2) The government of the Dutch Indies
25 should not only not restrict or prohibit the expor-

1 tation of goods, especially those needed by the
2 /Japanese/ Empire, among the products in the Dutch
3 East Indies, but should also give facilities and use
4 its good offices with regard to the exportation of
5 the goods to the /Japanese/ Empire."
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1 The Japanese Delegation, headed by Ichizo
2 KOBAYASHI, the Minister of Commerce, in the Second
3 KONOYE Cabinet, which was then in office, arrived
4 in the Netherlands Indies toward the middle of September,
5 1940.

6 We offer in evidence prosecution document
7 2748-A(6), being a telegram from the Japanese envoy
8 in Batavia, to his colleague, Foreign Minister MATSUOKA.
9 The telegram is date 13 September, 1940.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 2748-A(6) will be given exhibit No. 1312.

13 (Whereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No. 1312 and received in evidence.)

16 MR. LAVERGE: We will now read part of
17 exhibit No. 1312:

18 "Showa 15/1940/

19 "Received A.M. 14th Sept. Foreign Ministry

20 "Despatched P.M. 13th Sept. Batavia

21 "/To:/ Foreign Minister MATSUOKA

22 "/From:/ Representative KOBAYASHI

23 "Conference No. 9 (Top Secret)

24 "At my interview with the Governor-General
25 already referred to in telegram re conference No. 5,

1 I gained the impression that he was concerned with
2 diplomatic formulas only.

3 "When I hinted at the existence of discrimin-
4 atory treatment toward Japan, he argued strongly that
5 this had not been the fact in the past, and stated
6 that in the future they would as before treat each
7 country on a fair basis, and had no intention of practic-
8 ing discriminatory treatment. The Governor-General
9 does not realize that the present situation is so
10 serious that if he remains so old fashioned as to be
11 concerned with diplomatic formulas only, the existence
12 of the Dutch East Indies will be in danger, and he can
13 not keep pace with the changing situation. He openly
14 tried to do his utmost to evade political problems.
15 He evinced not the slightest sign of fervor to try
16 to sound out the true intention of the Japanese
17 Government towards the Dutch East Indies. Inasmuch
18 as he does not understand our real idea of friendly
19 relations between the two countries, it is of no use
20 for us to continue the negotiations further with such
21 a Governor-General. It has made me feel that I have
22 come all this way in vain."

24 "We introduce in evidence prosecution document
25 2748-A(8), being a telegram dispatched by the Japanese
envoy in Batavia, Commerce Minister KOBAYASHI, to

1 Foreign Minister MATSUOKA, dated 18 October 1940.

2 THE PRESIDENT: Mr. Laverge, do you know
3 where this document, exhibit 1311, "Demands against
4 the Dutch Indies," was found? There is no certificate,
5 as far as we can see.

6 MR. LAVERGE: Your Honor, a certificate
7 for all the documents, No. 2748, was introduced
8 yesterday and received exhibit 1302. The document in
9 question was found in the Foreign Ministry.

10 THE PRESIDENT: Mr. Levin.

11 MR. LEVIN: I was inquiring as to the date
12 of Mr. Laverge. I am advised that the date appears
13 on the certificate, not on the document itself, Mr.
14 President -- in August, 1940.

15 THE PRESIDENT: For convenience, state
16 the date, Mr. Laverge.

17 MR. BROOKS: 14th of August, 1940 is shown
18 by exhibit 1301, your Honor. I have the document in
19 my hand.

20 THE PRESIDENT: This is the first time it
21 will appear in the transcript.

22 MR. BROOKS: I understand, your Honor, that
23 this certificate was in exhibit 1301, that the items
24 in parentheses there bear relation to the prosecu-
25 tion's document number, for instance 2748A(2),

1 the certificate is in "(2)" of document 1301.

2 THE PRESIDENT: 1311, is it not?

3 MR. BROOKS: 1311 is 2748A(2), and that is
4 referred to in the certificate, exhibit 1301 in "(2),
5 Demands on the N. E. I.," page 19.

6 I wanted to approach the lectern at this
7 time to object to the form of the certificate that
8 is used here in exhibit 1301 for these documents
9 as not really tying in close enough the document
10 when it is presented with the certificate. There
11 is no reference -- we waited to see until the docu-
12 ment was introduced. There is no reference in the
13 document to this certificate, and the only reference
14 is from this certificate by this code number, as I
15 have just pointed out to the Court, and this parenthesis
16 being attached to the later documents.

17 THE PRESIDENT: 1301 is already admitted.
18 It was admitted yesterday.

19 MR. BROOKS: Yes, sir. But, your Honor
20 will notice there is no reference in the certificate
21 1301 to this document by its other prosecution document
22 number.

23 THE PRESIDENT: That is sufficient.

24 MR. BROOKS: The thought I had was it was
25 very weak identification at the most.

1 THE PRESIDENT: The number is sufficient.
2 The objection is overruled.

3 The document last tendered is admitted on
4 the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 2748A(8) will receive exhibit No. 1313.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1313 and received in evidence.)

10 MR. LAVERGE: We shall now read exhibit
11 1313:

12 "SHOWA 15/1940.

13 "Dispatched: BATAVIA, October 18, P. M.

14 "Arrived: This office, October 18, night.

15 "To Foreign Minister MATSUOKA.

16 "From Delegate KOBAYASHI.

17 "Parley No. 82 (Wire of Request).

18 "To the Vice-Minister of the Department
19 of Oversea Affairs, from KAWAMOTO.

20 "1. In establishing the Greater East Asia
21 Co-Prosperity Sphere under the leadership of the Em-
22 pire when viewed from every possible angle, the need
23 of placing the Netherlands Indies within the Sphere,
24 is very urgent. Envoy KOBAYASHI, his staff, and
25 those Japanese who went there and observed the said

1 place are all of the same opinion. However, in order
2 to accomplish this, it is necessary to administer a
3 policy in such a way as to deeply implant our economic
4 powers in the Netherlands Indies. In carrying out this
5 policy, the Department of Overseas Affairs must at
6 least plan the materialization of various items re-
7 quested for in the budget for the next fiscal year.

8 "Especially such items as the complete
9 equipment of overseas organizations, the establish-
10 ment of TAKUNANJUKU (T. N. probably it is a sort of
11 training center for the knowledge of Southern Region/,
12 the cultivation of facilities for enlightening both
13 Japanese subjects and people of the Dutch Indies,
14 (includes secret funds) are, we consider, matters of
15 urgency which cannot be neglected even for a day.
16 In this regard, it is requested that you kindly
17 give your special consideration in regard to ful-
18 filling these requirements. It is furthermore con-
19 sidered that matters in connection with other ex-
20 penditures too can be executed within the next
21 fiscal year.

22
23 "2. As regards the above, please refer
24 to Telegram No. 66 which was sent by Envoy KOBAYASHI to the Foreign Minister.

25 "3. Opinions regarding details will be

1 reported to you by letter."

2 The most pressing Japanese need was for the
3 acquirement of a great quantity of oil, and the first
4 demands made were for this product, and for the ac-
5 quisition of oil fields, as will be shown in the next
6 few documents.

7 We offer in evidence prosecution document
8 2748-A (18), being a telegram from Tokyo to Batavia
9 dated 3 September 1940.

10 THE PRESIDENT: Mr. Cole.

11 MR. COLE: Mr. Cole, for the accused MUTO.

12 THE PRESIDENT: Yes.

13 MR. COLE: I have an objection to the admis-
14 sion of this document with particular reference to
15 the final paragraph. It reads as follows:

16 "Please convey the contents of this telegram
17 to Major NAKASUJI as it is (also) from the Chief of
18 the Bureau of Military Affairs."
19

20 Evidence already in the record shows that
21 there is a Chief of the Bureau of Military Affairs
22 in both the Navy and War Ministries. With reference
23 to the rank and the branch of service of this man
24 NAKASUJI the language arbitration board advises me that
25 the word, "shosa," which appears in the Japanese
original is translated either "Major" or "Lieutenant

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1 Commander."

2 THE PRESIDENT: That is not a ground of
3 objection, Mr. Cole. It is only a matter which you
4 might point out.

5 MR. COLE: My contention, sir, is that the
6 prosecution should make clear what their claim is
7 with regard to which Chief of which Bureau is referred
8 to, otherwise it becomes irrelevant to the charge
9 against any particular accused.

10 THE PRESIDENT: Can you help, Mr. Laverge?

11 MR. LAVERGE: Your Honor, there is no way
12 of telling if this should be "Major" or "Lieutenant
13 Commander." We have no further information on the
14 person referred to, NAKASUJI, and what branch of the
15 service he was in.

16 THE PRESIDENT: Well, until you get it, it
17 is not evidence against the accused who was supposed
18 to have held that office at the time, but the rest of
19 the document is admitted -- the whole document is
20 admitted but until you can connect it up, the last
21 paragraph, with one of the accused, of course, it is
22 not evidence. It is admitted on the usual terms, sub-
23 ject to what I said.

24 CLERK OF THE COURT: Prosecution's document
25 No. 2748-A (18) will receive exhibit No. 1314.

1 (Whereupon, the document above
2 referred to was marked prosecution's exhibit
3 No. 1314 and received in evidence.)

4 MR. LAVERGE: We will now read exhibit
5 1314:

6 "Code No. 29449 dispatched 1940, September
7 3 at 9:40 p.m. (By order of) Foreign Minister MATSUOKA.

8 "To: Consul-General SAITO at Batavia.

9 "No. 396.

10 "Concerning the purchase of Netherlands
11 India Oil Production in connection with Reply Tele-
12 gram No. 385.

13 "From: The Chief of the Fuel Control
14 Board to MUKAI.

15 "1st) As it was stated in the reply
16 telegram mentioned above, the negotiations concerned
17 with the purchase of the oil should be done by us,
18 but intention is that the on-the-spot negotiations
19 be carried out in accordance with our instructions.

20 "2nd) We have instructed all the home
21 offices to tell their brokers not to disturb unity
22 during your negotiations. Therefore, please guide
23 them in accordance with this.

24 "3rd) You must emphasize the acquisition
25 of the oil fields, and such negotiations, as a general

1 rule, should be carried out with Netherland Indian
2 Government directly. Strictly observe all hindrance
3 attempts by Britain and America. We cannot guarantee
4 that the Netherlands Indies will not lay stress on
5 the oil purchase intentionally in order to refuse
6 our acquisition of oil fields which is our main
7 purpose. Therefore, it is desirable that you clearly
8 distinguish from the start the acquisition of oil
9 fields and the purchase of oil."

10 I will not read the rest of the telegram,
11 in view of what your Honor said.

12 We offer in evidence prosecution document
13 2748-A (19), a telegram from Japanese Commerce
14 Minister KOBAYASHI in Batavia to Foreign Minister
15 MATSUOKA in Tokyo, dated 18 September 1940.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 2748-A (19) will receive exhibit No. 1315.

19 (Whereupon, the document above
20 referred to was marked prosecution's exhibit
21 No. 1315 and received in evidence.)

22 MR. LAVERGE: We will now read exhibit 1315:
23 "1940. (Code) Sent from Batavia p.m.
24 18 Sept. Arrived at Foreign Office a.m. 19 Sept.
25 "To Foreign Minister MATSUOKA from

1 Representative KOBAYASHI. Communication No. 21 a.

2 "As Japan at this juncture has a pressing
3 need to buy 3,150,000 tons of Dutch East Indies
4 petroleum, and the negotiations in Tokyo are at a
5 standstill, I am hereby requesting you to let MUKAI
6 carry on the negotiations here, and to send an answer
7 by telegram to this effect one way or the other.
8

9 "They may have some misgivings on the
10 possible influence of negotiations here on the
11 petroleum enterprises problem, but these misgivings
12 would be exactly the same, whether the negotiations
13 for purchasing petroleum were held at Tokyo or at
14 your place, and what is more, we have no misgivings
15 about their being at your place.

16 "Moreover, if the negotiations for purchas-
17 ing 3,000,000 odd tons did not succeed, failure in
18 Tokyo would be no more than just a failure in commer-
19 cial negotiations, involving no political repercussions
20 whatever. It is also thought that their sudden pro-
21 posals at this juncture on the petroleum problem in
22 Tokyo is an anticipatory move by the other party in
23 consideration of the above point.

24 "On the other hand, in the event of the
25 negotiations being carried on here, their failure
would only mean that world opinion in view of Japan's

1 present position in the petroleum problem would charge
2 the Dutch East Indies with moral responsibility for
3 the failure of the negotiations; in consideration of
4 which it is expected that the Dutch Indies would also
5 make efforts for their success.

6 "Again, in any negotiations on the petroleum
7 enterprises problem, failure to make this petroleum
8 purchase could be utilized to browbeat the Dutch
9 East Indies on the enterprises problem. Moreover,
10 the fact of the direct participation of the Dutch
11 Indies Government in the petroleum purchase problem
12 can also be utilized for our maneuvers to make them
13 sell over to us the stocks of Dutch Indies petroleum
14 companies on the grounds of purchasing petroleum.

15 "Judging from our present situation, the
16 actual securing of the purchase is not the time to
17 talk about the problem of a higher or a lower price,
18 and so it would be more advantageous to let MUKAI
19 negotiate here as the sole representative of the
20 interests of all Japanese petroleum business men.

21 "Transfer of the negotiations from Tokyo
22 to here, however, is expected to involve a certain
23 loss of time. Nevertheless, when we consider that the
24 negotiations in Tokyo are being prolonged owing to
25 instructions from the Government here, this loss of

1 time cannot be thought of as a real loss.

2 "For the above reasons, if the negotiations
3 in Tokyo are at present at a standstill I hope they
4 may be transferred here.

5 "This matter has been given the positive
6 approval of the Army and Navy parties now on their
7 way here, of MUKAI and of everyone else concerned."
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1 To show the course of negotiations in
2 Batavia, we will now read further parts from exhibit
3 1309A starting at the top of page 17 of the English
4 text:

5 "Joint statement of the two delegations,
6 dated October 16, 1940.

7 "The Japanese and Netherland delegations
8 came together at Selabintanah near Soekaboemi from
9 14th till 16th October 1940 under the chairmanship
10 of their Excellencies Ministers KOBAYASHI and van
11 Mook.

12 "During several meetings and personal talks
13 the general relations between Japan and the Nether-
14 lands Indies were discussed. In these discussions
15 due attention was given to the effect of the
16 recent pact between Japan, Germany and Italy on the
17 relations with the Netherlands Indies. The Japan-
18 ese delegation in this respect officially expressed
19 their opinion as follows:

20 "'In spite of the tripartite treaty re-
21 cently concluded among Japan, Germany and Italy, the
22 strong desire of Japan for the maintenance and pro-
23 motion of the friendly relations between Japan and
24 the Netherlands Indies is not affected in the least.
25 All that is wished for by Japan is co-existence and

1 co-prosperity with neighbouring countries.' The
2 Netherland delegation could appreciate this point
3 of view.

4 "Amongst the other points which came into
5 discussion the most prominent item was the oil
6 problem. Elaborate explanations of the oil situa-
7 tion in the Netherlands Indies were given by the
8 Netherland delegation and the chief of the Nether-
9 lands Indies Mining Bureau who was also present.

10 "The delegations are to continue the
11 negotiations in Batavia on the understanding that
12 the complete scope of subjects will come into dis-
13 cussion in the near future.

14 "The delegations were pleased that the
15 negotiations were conducted in the most friendly
16 atmosphere."

17 I continue to read:

18 "The Netherland delegation took the posi-
19 tion that, although Japan's accession to the Tri-
20 partite Pact could not but raise serious misgivings
21 in a country at war with Germany, it was prepared
22 to continue negotiations on the understanding that
23 Japan had no hostile intentions towards and did not
24 claim leadership over the Netherlands Indies. It
25 kept urging the submission by the Japanese of a

1 full statement of the points to be discussed, but
 2 saw no objection to treating the matter of oil pur-
 3 chases separately. These purchases were mainly a
 4 matter of agreement between the Japanese buyers and
 5 the oil-producing companies, and as both parties
 6 were represented in Batavia, the contact -- for
 7 which the Netherland delegation would be pleased
 8 to lend its good offices -- would be easy.

9 "In the meantime the Japanese demands with
 10 regard to the purchase of mineral oil and oil prod-
 11 ucts had gradually become more defined. About a
 12 week after the opening conference, the following
 13 specification was produced, enumerating Japan's
 14 annual minimum requirements -- over and above the
 15 regular sales made by the companies and allowed by
 16 the Japanese government -- of Netherlands Indies
 17 oil in tons of 2,240 pounds.

18 "1. Crude oil

19	(a) Aviation crude	1,100,000 tons
20	(b) Crude oil for lubricants	100,000 tons
21	(c) Other	1,050,000 tons

22 "2. Aviation spirit
 (over 87 octane) 400,000 tons

23 "3. Diesel oil 500,000 tons
 "Total 3,150,000 tons

24 "It was, in part erroneously, contended
 25 that contracts had already been agreed upon for the
 delivery of 120,000 tons of aviation crude, 792,000

1 tons of other crudes, and 100,000 tons of aviation
2 spirit to be delivered per annum. A five-year
3 guarantee of the Netherlands Indies government was
4 demanded that these minimum requirements should be
5 regularly fulfilled."

6 We continue to read from the top of page
7 19 of exhibit 1309A:

8 "Suddenly, two days after the acceptance of
9 these proposals, Mr. KOBAYASHI announced his recall
10 on the twentieth of October, and left on the twenty-
11 second. The reason given was alternately that he
12 could no longer be spared in his department, and
13 that he had to be home for the 2,600th anniversary
14 of the creation of the Japanese Empire by the Sun-
15 Goddess. * * * * *

16 "Note handed to the Netherland delegation
17 by the Japanese delegation on October 21, 1940:

18 "The Japanese delegation has the honour to
19 express its great appreciation for an elaborate
20 explanation of petroleum situation contained in the
21 Note of October 7th of the Netherland delegation.

22 "The Japanese delegation wishes to call the
23 attention of the Netherland delegation to the fact
24 that after negotiations between Mr. MUKAI and two
25 petroleum companies, the proposals of these

1 companies concerning oil supply to Japan have shown
2 a very wide difference in quantity as well as in
3 quality from those of Mr. MUKAI and it is to be
4 emphasized that the proposed quantity of supply of
5 aviation gasoline and aviation crude to Japan, to
6 which Japan attaches a great importance, is as good
7 as nil.

8 "The Netherland delegation, however, is
9 well aware of the Japanese interest in petroleum
10 problems and the Japanese delegation would be much
11 obliged, if the Netherland delegations are good
12 enough to do their utmost, in the spirit of mutual
13 welfare, to comply with the Japanese proposals by
14 any means like shifting of trade route, etc.

15 "The Japanese delegation has the pleasure
16 to add that Japan has also a very big interest in
17 exploitation of oil wells and that the Netherlands
18 policies on allocating spheres of interests for
19 existing companies are hardly satisfactory for
20 Japan.

21 "The Japanese delegation is very much
22 desirous to acquire rights of access to the terri-
23 tories now in exploration or exploitation as well
24 as to the Government reserves.

25 "Mr. MUKAI, however, is ready to enter

1 at once into negotiations with authorities concerned
 2 about the Government reserve areas in the above-
 3 mentioned Note of the Netherland delegation."

4 I continue to read:

5 "Letters addressed to the chairman of the
 6 Netherland delegation by Mr. T. MUKAI on October
 7 29, 1940:

8 "1. Re OIL TERRITORIES

9 "With reference to your memorandum dated
 10 the 7th inst. (item No. 5), and the subsequent
 11 conversation exchanged during the interview be-
 12 tween delegates of the Netherland Indies and Japan,
 13 I am given to understand that the undermentioned
 14 districts and areas, which you have not yet com-
 15 mitted to any other party or parties, will be con-
 16 sidered as an interest for Japan:

17 "Borneo -- the districts of	
18 Kaliorang and Koetai	about 1,300,000 ha
19 "Celebes --- the district op-	
20 posite to the Pelang	
21 Island	about 163,000 ha
22 "Dutch New Guinea:	
23 Northeastern shoreland	about 1,200,000 ha
24 Middle-eastern interior	about 3,500,000 ha
25 Southeastern shoreland	about 9,000,000 ha
"Aron Archipelago, southeast	
to Dutch New Guinea	about 850,000 ha
"Schouten Archipelago, north-	
east to Dutch New Guinea	about <u>350,000 ha</u>
"Total	16,363,000 ha

1 at once into negotiations with authorities concerned
 2 about the Government reserve areas in the above-
 3 mentioned Note of the Netherland delegation."

4 I continue to read:

5 "Letters addressed to the chairman of the
 6 Netherland delegation by Mr. T. MUKAI on October
 7 29, 1940:

8 "1. Re OIL TERRITORIES.

9 "With reference to your memorandum dated
 10 the 7th inst. (item No. 5), and the subsequent
 11 conversation exchanged during the interview be-
 12 tween delegates of the Netherland Indies and Japan,
 13 I am given to understand that the undermentioned
 14 districts and areas, which you have not yet com-
 15 mitted to any other party or parties, will be con-
 16 sidered as an interest for Japan:

17 "Borneo -- the districts of	
18 Kaliorang and Koetai	about 1,300,000 ha
19 "Celebes --- the district op-	
posite to the Pelang	
Island	about 163,000 ha
20 "Dutch New Guinea:	
Northeastern shoreland	about 1,200,000 ha
21 Middle-eastern interior	about 3,500,000 ha
Southeastern shoreland	about 9,000,000 ha
22 "Aroa Archipelago, southeast	
to Dutch New Guinea	about 850,000 ha
23 "Schouten Archipelago, north-	
east to Dutch New Guinea	about <u>350,000 ha</u>
24	
25 "Total	16,363,000 ha

1 "As Japan is desirous to carry on explora-
 2 tions and exploitations in future in the entire
 3 dimensions of the above districts upon completion
 4 of the general geological examinations, I shall be
 5 obliged by your acknowledgment of the whole of
 6 these districts as Japan's sphere of interest, and
 7 the necessary steps according to your Mining law
 8 will be taken in due course in accordance with your
 9 suggestions.

10 "Furthermore, in view of the rapid increase
 11 in the demand of petroleum in Japan, I would like
 12 to express the strong desire of Japan that the
 13 following areas will be assigned to the Japanese
 14 interests in addition to the above-mentioned areas:

15 "1. Borneo:

16 An area opposite to the
 17 Tarakan Island, northward
 18 from the Bengara River to
 the boundaries of British
 North Borneo

about 400,000 ha

19 "2. Sumatra:

20 An area extending south-
 eastwards from Medan and
 along the River Asahan

about 700,000 ha

21 "Total " 1,100,000 ha

22 "Your kind considerations to this matter
 23 will be much appreciated and I am quite certain that
 24 your acceptance will serve greatly in promoting the
 25 closer relationship between Netherlands Indies and
 Japan."

1 "I also beg to mention that Japan may
2 consider the capital participation of Netherlands
3 Indies in these enterprises.

4 "II. Re PARTICIPATION OF JAPANESE
5 CAPITAL

6 "While the transaction on petroleum be-
7 tween Netherlands Indies and Japan are in a trend
8 of a steady increase in the future, it is needless
9 to say that Japanese oil circles are focussing their
10 interests on the petroleum of the Netherlands
11 Indies, and consequently they are having an
12 earnest desire to directly exploit the petroleum
13 resources.

14 "You have fully appreciated these cir-
15 cumstances and directing us to achieve Japan's aim
16 with your special attention, for which I express
17 herein my thanks.

18 "However, with an eye to the furtherance
19 of the prosperity and friendship of both countries,
20 I beg to mention that it is strongly desired on the
21 side of Japan to participate in the capital of the
22 N. V. Nederlandsche Indische Aardolie Maatschappij.

23 "As I understand that your government hold
24 a considerable amount of shares in the aforesaid
25 undertakings, I hope that your excellency would

1 consider the allotment of part of these shares to
2 Japan.

3 "In case this proposal of ours be favoured
4 with your approval, I would greatly appreciate your
5 informing me of your terms and conditions."

6 I stop reading here.
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1 To show that the real purpose of the
2 Japanese attempt to lease oil territories was the
3 establishment of military bases in these areas, we
4 offer in evidence prosecution document 2748-A (20),
5 being a telegram from Batavia to Tokyo dated 25
6 October 1940.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 2748-A (20) will receive exhibit No. 1316.

10 (Whereupon, the document above
11 referred to was marked prosecution's exhibit
12 No. 1316 and received in evidence.)

13 MR. LAVERGE: We will now read exhibit
14 1316:

15 "1940 /Showa 15/ - Batavia to Foreign Office.

16 "Dispatched: 25 Oct. PM.

17 "Received: 25 Oct. Night.

18 "From: Delegate SAITO.

19 "To: Foreign Minister MATSUOKA.

20 "Commercial Negotiation No. 100.

21 "From SAITO and OTA.

22 "Referring to our Telegram No. 96 (from
23 BUREAU to Chief of Fuel Affairs Bureau) we think that
24 although from the standpoint of an industrialist, it
25 is most reasonable, it is necessary that further

1 consideration be given on this matter from the
2 strategical standpoint.

3 "Namely, from the entire submission of
4 application for prospecting in connection with their
5 indicated areas, as well as from the numbers of our
6 technical experts, we presume that we will all the
7 more arouse their suspicion, but on our part we think
8 it necessary that we carry on investigation in
9 regard to all the areas and have a great number of
10 planes and plain clothes /TN: BEN-I/ troops enter
11 into these areas, thereby enabling it to become some
12 sort of strategical base from the point of view of
13 military operations against the Dutch. For this
14 reason, unless the vast investigation area is secured,
15 the foregoing program will seem a flimsy excuse to
16 the Dutch, and in view of the difference being only
17 from 150 to 200 thousand guilders, we deem it necessary
18 that the prospecting rights at least be acquired
19 over the whole areas proposed by them. Therefore,
20 please guide the respective offices concerned keeping
21 the above in mind.

22 "For instance, even when we are to decide
23 on obtaining the prospecting and mining rights for
24 two or three districts in each area as suggested in
25 the MUKAI plan, it is our desire that our strategical

1 standpoint be given consideration in the selection
2 of those districts and guidance be given accordingly.
3 (end)."

4 That one of the reasons for the Japanese
5 attempt to acquire materials from the Netherlands
6 Indies was the Japanese purpose to aid the German war
7 effort is shown in court exhibits 597, 631 and 1304,
8 to which the Tribunal's attention is respectfully
9 called.

10 Two initial drafts of demands on the Nether-
11 lands Indies, dated August 1940, have been received
12 in evidence as exhibit 1311.

13 On October 25, 1940 the Japanese Cabinet
14 decided on a further program aimed at the inclusion
15 of the Netherlands Indies in the Japanese Co-prosperity
16 Sphere. This Cabinet decision is contained in prose-
17 cution document 2137-G, a further document from
18 exhibit 540 for identification, which we now offer
19 in evidence.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document
22 No. 2137-G will receive exhibit No. 1317.

23 (Whereupon, the document above
24 referred to was marked prosecution's exhibit
25 No. 1317 and received in evidence.)

1 MR. LAVERGE: We will read exhibit 1317:

2 "Cabinet Decision, 25 October 1940 /Showa
3 15/ Re Measures for Economic Development of N.E.I.

4 "The inevitability of occurrences in eco-
5 nomic affairs attendant on the progress of the New
6 World Order and the priority of our Empire in the
7 Netherlands East Indies based on the Tripartite Pact
8 between Japan, Germany and Italy necessitates making
9 the N.E.I. a link in the Greater East Asia economic
10 sphere under the leadership of our Empire by estab-
11 lishing immediately close economic relations and
12 developing and utilizing their rich natural re-
13 sources from the general standpoint of co-existence
14 and co-prosperity in connection with which the
15 following measures must now be taken:

16 "1. To stop the N.E.I. from relying on
17 the European-American Economic Bloc, and to make it
18 take the standpoint as being a member of the Greater
19 East Asia economy.

20 "2. To remove or mitigate various re-
21 strictions which at present obstruct the economic
22 activities of Japanese giving them preference and
23 freedom in economic activities above others.

24 "3. To propose a joint development of
25 the N.E.I. so as to secure in the Greater East Asia

1 Sphere the supply of necessary war material needed
2 by the Empire as far as possible, thus becoming
3 independent from British /T.N. Second Chinese
4 character unreadable/ resources. If necessary, to
5 lease or purchase suitable islands or territories.

6 "4. Although we have already received a
7 guarantee from the N.E.I. as to the supply of major
8 items which are necessary to our Empire, we must
9 furthermore obtain the N.E.I.'s agreement with regard
10 to an increase in variety and quantities of these
11 materials. Further, to make every effort for the
12 realization of instituting under the Empire's guidance
13 the trade control of important merchandise especially
14 tin, rubber, quinine and others, over which the
15 N.E.I. have a world monopoly.

16 "5. To purchase as far as possible those
17 agricultural products produced in the N.E.I., which
18 bring profits to the natives and to stimulate their
19 purchasing power in order to translate co-existence
20 and co-prosperity into reality. For this purpose the
21 N.E.I. should on their part accede to our demand as
22 far as possible and encourage agriculture.

23 "6. To seek special cooperation of the
24 N.E.I. in regard to an increase in the export of
25 Japanese merchandise to them."

1 "7. With a view to the future establishment
2 of a great monetary sphere within the Greater East
3 Asia area under Japanese leadership, efforts shall be
4 made to make the N.E.I. a link of the sphere also in
5 regard to the establishment of new monetary relations
6 with them, but it shall not be aimed to include the
7 N.E.I. itself in the 'Yen' bloc. To strive to place
8 the Exchange Control in the N.E.I. under our guidance.
9 For the time being, every advantage should be accorded
10 to the Japanese with regard to the application of
11 Exchange Control in the N.E.I. and at the same time
12 N.E.I. banks should establish 'credit' to the Japanese,
13 as well as exert utmost efforts to give other financial
14 facilities to the Japanese.

15 "8. As a means to secure the leading
16 position for the whole of Greater East Asia with
17 regard to traffic and communications, efforts shall
18 be made in establishing the following special rights
19 and interests.

20 "(a) The right of coastal trade, the right
21 of entering unopened ports and the right of administer-
22 ing and using port facilities.

23 "(b) The landing and operating right of
24 submarine cables, the right of participating in the
25 management of inland communication enterprises, and

1 other communication rights.

2 "(c) The inauguration of regular air
3 services and the right of instituting air safety
4 equipment.

5 "9. In order to build a stable fishery
6 position in the South we must strive towards in-
7 creasing the number of fishing boats, removal of
8 restrictions at ports of import of fish, establishment
9 of fishery bases, and acquisition of other rights and
10 interests pertaining to the conducting of the marine
11 product industry.

12 "10. To prohibit the establishment of new
13 rights and interests of Third Powers in the N.E.I.
14 and to endeavor to oust those already in existence
15 likely to obstruct the expansion of our Empire.

16 "11. To make the N.E.I. institute an
17 Economic Constructional Commission and other suitable
18 organs in which Japanese will be included and partic-
19 ipate in forming the N.E.I. domestic and foreign
20 economic policies and their enforcement, with a view
21 towards guiding and strengthening economic collabora-
22 tion with the Empire.

23 "The N.E.I. shall be required to consult
24 the above-mentioned organs with regard to trade,
25 finance, taxation, customs duties, economic agreements

1 with third countries, enterprises, traffic and
2 communications, etc.

3 "For the time being, Japanese importers
4 in the N.E.I. will be made to participate in the
5 Consultative Committee in the Ministry of Economics.

6 "12. To demand the strict control of anti-
7 Japanese commentaries by newspapers and other per-
8 iodicals, at the same time ensuring freedom to Japan-
9 ese in regard to the publication of newspapers.

10 "13. To demand the N.E.I. authorities to
11 exercise rigid control over Chinese residents assuming
12 pro-Chiang Kai-shek and anti-Japanese attitudes.
13 On the other hand, from a broad viewpoint, to plan
14 the use of their organization and resources in con-
15 sideration of their economic position.

16 "14. In order to ensure the economic
17 development of the Empire, various measures shall be
18 resorted to, such as inviting influential natives to
19 the Empire, or by propagandizing the true aspect of
20 the Empire and creating a proper understanding thereof.

21 "15. The Economic Policy shall be based
22 upon the broad viewpoint of establishment of the
23 Greater East Asia Co-prosperity Sphere and efforts
24 shall be made towards expanding the interests of the
25 Empire in harmony with the natives."

1 THE PRESIDENT: We will adjourn until half-
2 past one.

3 (Whereupon, at 1200, a recess was
4 taken.)

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AFTERNOON SESSION

The Tribunal met, pursuant to recess,
at 1330.

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Laverge.

MR. LAVERGE: The program decided on by the
Japanese Cabinet on 25 October, 1940, exhibit 1317,
was reflected in a list of demands to the Netherlands
Indies authorities on 16 January 1941, after Commerce
Minister KOBAYASHI had been replaced as chief Japanese
delegate to Batavia by former Foreign Minister
YOSHIZAWA.

We shall read from exhibit 1309-A, starting
at the top of page 22.

I read:

"In the meantime the Netherland Minister had
handed an aide-memoire, on the fifteenth of November,
to Mr. OHASHI, Vice-Minister of Foreign Affairs in
Tokyo, to draw the attention of the Japanese Govern-
ment to the fact that the negotiations were at a stand-
still for lack of subject matter, and to recommend
their discontinuation. This was answered by a note
verbale of November 20, announcing the imminent appoint-
ment of a new special envoy who was to instil renewed

1 activity into the proceedings. On November 28 this
2 successor turned out to be Mr. K. YOSHIZAWA, member
3 of the House of Peers and former Minister of Foreign
4 Affairs. He was due to arrive in Batavia on the
5 twenty-third of December and would carry on with the
6 aid of Mr. ISHIZAWA, the new Consul-General.

7 "Memorandum presented by the Japanese dele-
8 gation on January 16, 1941.

9 "Most of the vast territories of the Nether-
10 lands Indies, abundant in natural resources, are very
11 thinly populated and still remain undeveloped, waiting
12 for exploitation and development in wide fields. It
13 is beyond question that the exploitation and the de-
14 velopment of these areas would bring benefit not only
15 to the Netherlands Indies but also to Japan and, at
16 the same time, would contribute to the welfare of the
17 world.

18 "As a matter of fact, Japan and the Netherlands
19 Indies stand in the relation of economic interdependence,
20 the former being geographically situated much nearer
21 to the latter than any other European or American
22 powers. Accordingly, a great importance should be
23 stressed upon the necessity of strengthening the eco-
24 nomic relations between the two countries. Japan is
25 earnestly desirous of participating in the exploita-

1 tion of the natural resources in the Netherlands Indies,
2 and of promoting the trade and other economic relations
3 with her. It is Japan's firm conviction that a great
4 contribution would also be made towards the prosperity
5 of the Netherlands Indies herself, if the Netherlands
6 Indies Government would see their way to meet Japan's
7 desires and facilitate the economic activities in the
8 Netherlands Indies of Japanese nationals.

9 "In the view above-mentioned, the Japanese
10 Government wish to present the following proposals to
11 the Netherlands Indies Government:

12 "I. THE ENTRY OF JAPANESE NATIONALS AND OTHER AFFAIRS

13 "(1) Modification of the restriction on
14 entry.

15 "(a) Procedure laid down in the Foreign
16 Labour Ordinance (Ordonnantie Vreendelingenarbeid) be
17 simplified in order to permit entry of the Japanese
18 nationals, possessing passports issued by the Japanese
19 Government, up to the maximum number as stipulated in
20 the Netherlands Indies Entry Ordinance (Toelatings-
21 besluit)-- for example, 1,633 persons in the year of
22 1940, with the exception of the following cases men-
23 tioned in (b) and (c).

24 "(b) Permission of entry be granted to
25 Japanese nationals who are required for carrying on

1 exploitation and development enterprises in Buiten
2 Gewesten--especially Sumatra, Borneo and Great East,
3 where speedy development can hardly be expected with-
4 out the entry of substantial number of Japanese
5 nationals.

6 "(c) Japanese nationals who are permitted
7 to enter for temporary stay, be not included in the
8 number, mentioned in (a) above cited.

9 "(d) The entry tax be abolished.

10 "(2) Elimination of difficulties concerning
11 explorations.

12 "Any difficulties whatever concerning ex-
13 plorations, necessary for carrying on enterprises and
14 for other economic activities, be eliminated.

15 "(3) Freedom of medical practice by Japanese
16 doctors.

17 "Restrictions imposed upon medical practice
18 be modified in order that Japanese nationals, who
19 are qualified in Japan as doctors (including dentists),
20 may be granted permission for their medical practice
21 in the Netherlands Indies.

22 "(4) Promotion of rationalization of the
23 management of Japanese enterprises.

24 "Where Japan and the Netherlands Indies joint
25 enterprises are desired as a form of management of

1 enterprises, necessary assistance be given for the
2 realization of such, and favourable treatment be
3 accorded to all Japanese enterprisers in connection
4 with their making necessary arrangements such as em-
5 ployment of intellectual as well as manual labourers,
6 equipments for transportation (railway, harbours, ships,
7 etc.) and other needed establishments.

8 "(5) All applications or requests from Japa-
9 nese nationals be treated in friendly spirit.

10 "II. VARIOUS ENTERPRISES

11 "(1) Mining.

12 "Permission for the exploration and/or exploi-
13 tation of various minerals in the regions (including
14 the areas reserved for the Government), which are de-
15 sired by Japanese nationals for such purpose, be given
16 as promptly and extensively as possible.

17 "(2) Fishery.

18 "It is requested that the fishing by Japanese
19 nationals in the territorial waters be permitted,
20 so far as it does not cause competition with the native
21 fishery, and that an increase in number of fishing
22 boats, fishermen and employees, necessary for the
23 operations of the territorial-water-fishery mentioned
24 above, as well as for that of deep-sea fishery by
25 Japanese nationals, be allowed, and that various

1 fisheries at or near the fishery bases and such
2 establishments as necessary for the operation and the
3 management of fisheries (fish markets, ice-manufactur-
4 ing factories, cold-storage houses, oil tanks, factor-
5 ies for manufactured goods of fish, repair shops for
6 fishing boats, etc.) be permitted, and that the re-
7 striction on import harbours for fish be abolished,
8 and that the fish caught by the Japanese fishermen in
9 the Netherlands Indies be exempted from the import
10 duties.

11 "III. TRAFFIC AND COMMUNICATION

12 "(1) Opening of air service between Japan
13 and the Netherlands Indies.

14 "The establishment of a direct air service
15 between Japan and the Netherlands Indies by Japanese
16 planes be permitted and, in connection therewith,
17 facilities necessary for wireless communication and
18 meteorological information by wireless be rendered to
19 Japanese aviators.

20 "(2) Abolition of various restrictions on
21 Japanese ships.

22 "(a) With regard to the coastal navigation
23 already granted to the Japanese nationals by the
24 Netherlands Indies Government, an increase in number
25 of Japanese ships be permitted, and the restrictions

1 on the tonnage and navigable areas for the Japanese
2 ships be abolished.

3 "(b) Permission for the coastal navigation
4 be given to Japanese ships when necessary for the
5 operation of Japanese enterprises.

6 "(c) Harbours, of which direct connections
7 with Japan is desirable, for the promotion of the
8 traffic and trade between Japan and the Netherlands
9 Indies, be designated as open ports.

10 "(d) Formalities concerning the visit of
11 Japanese ships to nonopen ports, which is necessary
12 for the shipment of products destined for Japan, be
13 simplified and dealt with as promptly as possible, and
14 restrictions on the tonnage of the ships calling at
15 nonopen ports be abolished.

16 "(3) Improvement of the means of communica-
17 tion between Japan and the Netherlands Indies.

18 "(a) In order to establish a stable and
19 highly efficient means of communication between Japan
20 and the Netherlands Indies, consent be given to the
21 laying of submarine cables between the two countries
22 under the Japanese management, which are technically
23 most up-to-date.

24 "(b) The prohibition of the use of Japanese
25 language in the telegraphic communication between Japan

1 and the Netherlands Indies be removed.

2 "IV. BUSINESS REGULATION

3 "Applications by Japanese nationals regarding
4 the business of warehousing, printing, weaving, ice
5 manufacture, rubber smoking, etc., such as subjected
6 to the Business Regulation Ordinance (Bedrijfs-
7 reglementeeringsordonnantie), be complied with as far
8 as possible.

9 "V. COMMERCE AND TRADE

10 "(1) Import quotas for Japanese goods be
11 arranged as mentioned in the list which will be annexed
12 hereto.

13 "(2) Japan is prepared to purchase the
14 Netherlands Indies products as mentioned in the list
15 which will be annexed hereto.

16 "(3) Increased percentage of import quotas
17 be allotted to the Japanese importers in the Nether-
18 lands Indies.

19 "(4) The Japanese importers in the Nether-
20 lands Indies be exempted from the obligation to import
21 the goods of third countries.

22 "(5) With regard to the Japanese goods to
23 be imported into the Netherlands Indies, friendly
24 measures be taken regarding the customs tariff and
25 customs formalities."

1 The answer of the Netherlands authorities
2 to the Japanese demands was presented on 3 Feb-
3 ruary 1941. We will continue to read from exhibit
4 1309-A.

5 "Memorandum presented by the Netherland
6 delegation on February 3, 1941.

7 "In order to clarify the position of the
8 Netherlands Indies with regard to the present econo-
9 mic negotiations and to avoid any possible misunder-
10 standings the Netherland delegation would like to
11 restate briefly the considerations determining the
12 economic policy of the Netherlands Indies.

13 "Whereas, the improvement and adjustment of
14 economic relations and the and the increase of mutual
15 trade with neutral or nonbelligerent countries is
16 the object of a constant care, exercised in the spirit
17 of goodwill, the measures taken in this respect must
18 comply with the following principles:

19 "In the first place, it must be taken into
20 consideration that the welfare, the progress and the
21 emancipation of the population of the Netherlands
22 Indies are the prime objects of the policy of the
23 Netherland Government. Measures which would tend to
24 run counter to the interests of the inhabitants, or
25 which would unduly narrow the scope of their future

1 development, should, therefore, be obviated.

2 "In the second place, the interests of the
3 Netherlands Indies demand that the economic relations
4 with foreign countries shall be maintained on a basis
5 of strict nondiscrimination; that the participation
6 of such countries in the economic growth shall not
7 disturb the gradual formation of the Netherlands
8 Indies as a self-sustaining economic unit within the
9 larger limits of the Kingdom; and that no preponderance
10 shall be created of foreign interests in any field of
11 economic activity.

12 "In the third place, it must be observed that,
13 for the duration of the war in which the Kingdom of
14 the Netherlands is involved, it is unavoidable that
15 trade and other economic activities will be subject
16 to restrictions preventing direct or indirect advantage
17 to the enemy or safeguarding the defence of the
18 Netherlands Indies.

19 "Furthermore, in so far as the two opening
20 paragraphs of the Japanese delegation seem to imply,
21 firstly, that the natural resources of the Netherlands
22 Indies have been inadequately developed and, secondly,
23 that the economic relations between Japan and the
24 Netherlands Indies are of such an important and vital
25 nature as to warrant the use of the term

1 'interdependence,' the Netherland delegation begs to
2 point out that such contentions would not seem to
3 be substantiated by the facts.

4 "The fact that a considerable part of the
5 so-called Buitengewesten is sparsely populated is
6 primarily accountable, not to any lack of funds,
7 labour or enterprising spirit, but to the relative
8 scantiness and the scattered character of their
9 natural resources. The poor results of several
10 agricultural, forestry and mining enterprises, both
11 domestic and foreign, in this part of the Netherlands
12 Indies confirm this view, as is the case with the
13 data, supplied by numerous scientific explorations.

14 "As a whole, the Netherlands Indies not
15 only provide practically all their own food, but in
16 almost every field of agricultural activity, suited
17 for the tropics, production has been developed to such
18 an extent that restrictions had to be imposed to
19 prevent a permanent glut in the markets of the
20 world. Mineral production is relatively high, com-
21 pared with mineral reserves, and in cases where the
22 minerals found are of poor quality -- as is the case
23 with iron ore -- exploitation was nevertheless under-
24 taken as soon as a demand for these minerals could be
25 expected to arise."

1 "This does not mean that there is no room
2 for further development. However, although the coopera-
3 tion of bona fide private foreign capital and know-
4 ledge is welcomed within the limits delineated above,
5 this development should proceed along lines of
6 rational economy and should be realized mainly with
7 the aid and to the benefit of the abundant popula-
8 tion in other parts of the Netherlands Indies and
9 of the fast increasing number of well-schooled and
10 well-trained people among them. The fact that the
11 number of government-organized agricultural emigrants
12 from Java has reached the level of 57,000 persons a
13 year and is rapidly increasing should by itself carry
14 the conviction that the Netherlands Indies do not
15 stand in need of immigration from foreign countries
16 and that all parts of the Buitengewesten, where
17 cultivation of the soil offers some economic prospect,
18 are necessary for the alleviation of the pressure
19 of the population in Java and elsewhere.

20 "As regards the importance of trade relations
21 between the Netherlands Indies and the Japanese
22 Empire, it should be borne in mind that the share
23 of the Japanese Empire in the total export value of
24 the Netherlands Indies decreased from an average of
25 4.21% in 1930-32 to an average of 3.74% in 1937-39."

1 "It is true that the share of Japan in the imports of
2 the Netherlands Indies was larger, but it should not
3 be overlooked that these imports were to a great extent
4 made possible through the creation of buying power
5 by exports from the Netherlands Indies to third
6 countries."

7 After Foreign Minister MATSUOKA, in his
8 speech before the Imperial Diet on 21 January 1941
9 had publicly included the Netherlands Indies in the
10 Greater East Asia Co-Prosperity Sphere, difficulties
11 arose in the Netherlands-Japanese negotiations and
12 made their failure seem likely, as will be shown from
13 the next four documents.

14 We offer in evidence prosecution document
15 2748-A(10), being a telegram from the Japanese dele-
16 gate in Batavia to Foreign Minister MATSUOKA, dated
17 27 January 1941.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 No. 2748-A(10) will receive exhibit No. 1318.

21 (Whereupon, the document above
22 referred to was marked prosecution's exhibit
23 No. 1318, and was received in evidence.)

24 MR. LAVERGE: We will now read exhibit 1318.

25 "Commercial Negotiation #35. January 27th."

1 "Despatched from Delegate YOSHIZAWA in
2 BATAVIA to Foreign Minister MATSUOKA.

3 "Attention: The Vice-Minister of War and the
4 Vice-Chief of the General Staff.

5 "HARADA's Despatch No. 8.

6 "Since then, the tendency of the NETHERLAND
7 EAST INDIES to rely on GREAT BRITAIN and the UNITED
8 STATES has been increasing more and more. The defeat
9 of the ITALIAN Army in the Mediterranean theatre,
10 and AMERICAN aid to GREAT BRITAIN and her firm atti-
11 tude towards JAPAN have encouraged the NETHERLAND
12 EAST INDIES. She is taking the optimistic viewpoint
13 that the objective situation is developing favorably
14 for the NETHERLAND EAST INDIES. Furthermore, the
15 strengthening and development of her home defences
16 have intensified the self-confidence of the NETHER-
17 LAND EAST INDIES. Thus, not only is she completely
18 disregarding the Empire's East Asia Co-Prosperity
19 Sphere, but she is further expressing her spirit of
20 opposition on every matter. Therefore, it can be con-
21 sidered that unless our Empire adopts determined
22 resolutions or measures not only the progress of
23 the Japanese-Netherland negotiations, but also the
24 development of Japanese-Netherland relation would
25 be extremely difficult."

1 "As to the details, Lt. Col. NAKAYAMA who
2 is returning to JAPAN shortly shall make a report."

3 We offer in evidence prosecution document
4 2631, being a telegram from the Japanese delegate in
5 Batavia to Foreign Minister MATSUOKA, dated
6 6 February 1941.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 2631 will be given exhibit No. 1319.

10 (Whereupon, the document above
11 referred to was marked prosecution's exhibit
12 No. 1319, and was received in evidence.)
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1 MR. LAVERGE: We will now read part of
2 exhibit 1319, starting at the top of page 1.

3 "Despatched: Batavia, Feb. 6, a.m.

4 "Received : Ministry, Feb. 6, p.m."

5 The year is 1941.

6 "To: Foreign Minister MATSUOKA

7 From: Chief Delegate YOSHIZAWA

8 "No. 54-1 (Urgent Very Secret Superintendent's
9 Code)

10 "Your Excellency's recent speech before the
11 Diet regarding the Greater East Asia Co-Prosperity
12 Sphere, and the answers of your Excellency and other
13 Ministers to the interpellations of Diet members and
14 the editorial views appearing in newspapers have
15 given, as you are already aware of, a great shock to
16 both government and private circles here, so that
17 the local papers are daily devoting much space to dis-
18 cussions of the matter.

19
20 "The discussion that arose during the interview
21 of OTA and ISHIZAWA with H----- on February 5 has been
22 reported in Telegram No. 53. As regards the erroneous
23 press news sent out by the Domei regarding the inter-
24 view between the Dutch Minister and Vice-Minister
25 OHASHI, steps have been taken for correction. How-
ever, as long as those views are reported as those

1 not only of those of private circles but also of
2 government authorities, even if it is a report of a
3 news agency, it is natural that it should produce
4 considerable repercussions here. Moreover, as dis-
5 patches continue to arrive, as in the past day or
6 two, to the effect as if doubt were cast upon the
7 status of the Dutch Government, the Dutch authori-
8 ties here, not satisfied with my statement alone,
9 seem to have caused the Dutch Minister in Tokyo to
10 demand the recognition by Japan of the exile govern-
11 ment in London as the de jure and de facto government
12 of Netherlands.

13 "It is needless to speak afresh of the cold
14 attitude of the Netherlands East Indies government
15 authorities toward Japan in the past. If the situa-
16 tion is let alone, it will, of course, be impossible
17 to expect much of the present conversation. It is
18 thought that after all without resorting to armed
19 force it would be probably impossible to make Nether-
20 lands East Indies a member of the East Asia Co-
21 Prosperity Sphere. For that, however, it is needless
22 to say that it is imperative that we must first have
23 full preparations for all possible eventualities (the
24 preparations will include not only military prepara-
25 tions but also adjustments of the Chinese Affair and

1 other international relations). If the government
2 has confidence in this regard, it is no part of mine
3 to say anything.

4 "But in case the government has yet no such
5 confidence in itself, we must perforce choose the
6 means of peaceful economic negotiation, however un-
7 satisfactory that may be. And that is the reason, I
8 believe, that I have been dispatched here. If I am
9 really right in so believing, it will be absolutely
10 necessary that the actions of the government and the
11 speeches of its officials should, I think, conform to
12 this policy so as to help the negotiations here pro-
13 gress to our advantage as far as possible. Unfortun-
14 ately, the more recent developments (in Tokyo) cannot
15 be considered to fall in line with this aim."

16 "We will not read the rest of it, sir."

17 The next telegram from Batavia to Tokyo is con-
18 tained in court exhibit 1045. As this part of exhibit
19 1045 has not been read, we shall now, with the Tri-
20 bunal's permission, proceed to read it.

21 THE PRESIDENT: Read it.

22 MR. LAVERGE (Reading):

23 "Batavia to Foreign Office Cable #3655

24 "Charge of Southern Affairs and Trade Depts.

25 "To Foreign Minister MATSUOKA from Envoy YOSHIZA" A ."

1 "Negotiation No. 65 (Strictly Confidential)

2 "Cooperative relation between Dutch East Indies
3 and the United States and Great Britain has become
4 much closer recently as America's aid to Britain
5 has become active, and the attitude of the Dutch
6 East Indies towards Japan is nothing but the reflec-
7 tion of the attitude of the United States. It is
8 difficult to notice such a distinction between them
9 as is generally supposed in Japan. America's attitude
10 towards Japan is growing worse even without Secretary
11 of State HULL's speech at Congress. There is no room
12 for doubt that the problem of the South Seas, especial-
13 ly of the Dutch East Indies, is an important cause
14 for America's plan of a huge expansion of naval ships.
15 It should be said that the real problem lying between
16 Japan and America is not China but the Dutch East
17 Indies. Regardless of the result of the Anglo-German
18 war, the United States will persistently regard with
19 hostility Japan who has ambitions towards the South
20 Sea Islands. On the other hand, the authorities of
21 Dutch East Indies, consulting their own interests, de-
22 sire to be in the hands of the United States rather
23 than Japan. And besides, not only are they in such
24 a condition that they can expect positive aid from
25 both the United States and Britain, but also think

1 that not even Germany will agree to the Dutch Indies
2 coming under Japanese authority as a dependency so
3 easily. On the other hand, in the speech of the
4 Japanese government against the United States and
5 Dutch East Indies there is no consistent underlying
6 strength, and finally it has given one the impression
7 that barking dogs seldom bite; and the Dutch have
8 begun to underrate Japan's real power. Therefore,
9 it is natural for the Dutch East Indies to follow
10 the attitude of the United States. At this time,
11 then, when the United States is about to push on
12 with her oppression against Japan, it is difficult
13 to expect even unsatisfactory success from the Dutch-
14 Japanese negotiations. Its breaking up is only a
15 question of time. The acquiring of those thirteen
16 items of necessary commodities will meet with dif-
17 ficulties. That is, the only means for Japan to
18 settle the problem of the Dutch East Indies is by
19 exercising her real power. "Without this determination
20 it will be quite fruitless for Japan to strive to
21 achieve success by peaceful negotiations, shouting
22 loudly for the establishment of the Greater East
23 Asia Co-Prosperity Sphere under the leadership of
24 Japan."
25

I will not quote any further.

1 We offer in evidence prosecution document
2 2748-A (12), being a telegram from Prime Minister
3 KONOYE to the Japanese Delegate in Batavia, YOSHIZAWA,
4 dated 28 March 1941.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 2748-A (12) will receive exhibit No. 1320.

8 ("Hereupon, the document above
9 referred to was marked prosecution's exhibit
10 No. 1320 and received in evidence.)

11 MR. LAVERGE: We will now read exhibit 1320.
12 "Serial No. 10173 - Code - 7 p.m. 28 March 1941
13 "To Representative YOSHIZAWA at BATAVIA.
14 "From Foreign Minister KONOYE.
15 "Items concerning the aim of future negotiations
16 "Communication No. 68; by office chief's code.

17 "Regarding your telegram communication No. 123:-

18 "Your viewpoint is reasonable enough that for
19 any settlement intended on the problems of entry,
20 commercial enterprise, etc., our only means are those
21 given in your telegram No. 125. But, as you know,
22 our whole nation has paid the greatest possible atten-
23 tion to the negotiations on this matter, and if they
24 end at this point without any results, our nation,
25 inside the country, will lose all confidence in our

1 foreign policy, while enemy nations outside will gain
2 the impression that we are easily dealt with and will
3 intensify all the more their contumely and oppression.
4 Altogether it would have an enormous political influence
5 both at home and abroad.

6 "According to reliable information, there is
7 some evidence that the Netherlands feel embarrassed
8 by the continued presence of your representatives and
9 regard it as an anticipatory measure designed by Japan
10 to turn to positive advantage any change in the situ-
11 ation; what is more, they are taking the extremely
12 indifferent attitude that the continuance of the
13 negotiations is nothing but a waste of time, and in
14 particular, they are putting on a superficial show of
15 satisfaction with the cooperative attitude of our
16 representatives and are content to regard it as a
17 compromise by Japan.
18

19 "However, considering the change in the situation
20 after Foreign Minister MATSUOKA's visit to Europe and
21 the intention of the Foreign Minister and the Colonial
22 Minister (a sympathizer with Japan), who are shortly
23 to visit your place after enlisting American interest,
24 we must request you, troublesome as it is, to push
25 pertinaciously our original demands for the time being,
to direct your main effort to the acquisition of

1 resources, and to await further developments in the
2 situation (decision reached in concert with the
3 Army).

4 "Finally, in view of the imperative necessity for
5 the continued presence for awhile of our representa-
6 tives please take care in carrying on the negotia-
7 tions not to fall into The Netherlands' plan for
8 getting rid of your representatives."
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1 We continue reading from exhibit 1309-A,
2 starting at the top of page 29:

3 "Already in the first stage of the con-
4 versations ensuing from the related exchange of
5 memoranda, the Netherland delegation had to caution
6 its Japanese opponents that a Japanese occupation of
7 southern Indo-China would constitute a military
8 menace towards the Netherlands Indies of such a
9 seriousness that it would cancel any agreement
10 reached in the economic sphere. Between March and
11 May, 1941, Mr. MATSUOKA made his European tour and
12 returned full of admiration for the Axis and with a
13 Russo-Japanese Neutrality Pact in his pocket.

14 "As Japan installed herself ever more firmly
15 in Indo-China and Thailand the potential leak in
16 the blockade of Germany widened. The two countries
17 together produced 130,000 tons of rubber annually
18 as against a Japanese consumption in past years of
19 50,000 tons; her need for 10,000 tons of tin per
20 annum was exceeded by at least 50 per cent in the
21 production of her new sphere of influence.

22 "Memorandum presented by the Japanese delega-
23 tion on May 14/22, 1941.

24 "In reconsideration of the memorandum, which
25 the Japanese delegation presented to the Netherland

1 delegation on the 16th January, 1941, they herein
2 present to the Netherland delegation the following new
3 proposal: They wish to make it clear, however, that
4 the Japanese viewpoint expressed in the preamble of
5 the above mentioned memorandum is firmly held by the
6 Japanese Government."

7 We will not read the details of the Japanese
8 demands.

9 That Japan still refused to give a guarantee
10 that the raw materials she was attempting to acquire
11 from the Netherlands Indies would not be re-exported
12 to Germany is shown in prosecution document 2748A
13 (13), a telegram from Foreign Minister MATSUOKA to
14 the Japanese delegate in Batavia and the Japanese
15 Ambassadors in the United States and Great Britain.

16 We offer prosecution document 2748A (13) in
17 evidence.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 No. 2748A (13) will receive exhibit No. 1321.

21 (Whereupon the document above re-
22 ferred to was marked prosecution's exhibit
23 No. 1321 and received in evidence.)
24

25 MR. LAVERGE: We will now read part of
exhibit 1321, starting at the top of page 1:

1 "Copy of Telegram. Dispatched by Minister
2 MATSUOKA at 9:30 p.m., on May 23, 1941 /Showa 16/

3 "To Delegate YOSHIZAWA in Batavia,

4 "Ambassador SHIGEMITSU in Great Britain, and

5 "Ambassador NOMURA in the United States.

6 "Re: Acceleration of Negotiations with Dutch
7 Indies. Urgent:

8 "On 22nd I invited Ambassador Craigie and told
9 him that the negotiations with the Dutch Indies,
10 through the extreme wholesale concession on our side,
11 had reached a rapprochement when compared with the
12 former contentions of both sides, but that there
13 still remained some difficulty about rubber and tin.
14 In June last year, the Dutch Government assured us
15 that, whatever the situation might be, the
16 Government would supply Japan with 20,000 tons of
17 rubber and 3,000 tons of tin, and despite the fact
18 that we conceded to the said quantities, the Dutch
19 Indies Government, taking the quantities of rubber
20 and tin exported by French Indo-China and Thailand
21 to Japan into consideration, now asserts that the
22 quantities mentioned above would be still further
23 deducted, but it must be borne in mind that the de-
24 mand for rubber and tin in our country had become
25 increased. I also explained that, although it is

1 claimed that there is the danger of Japan's sup-
2 plying Germany with rubber, even by adding the
3 quantity of rubber expected to be imported from
4 French Indo-China and Thailand to the 20,000 tons
5 of rubber which we have demanded of the Dutch Indies,
6 it would still be far below the total quantity re-
7 quired by us. What country is there in the world
8 that would give its own flesh to another country
9 by even going to the extent of cutting its own.
10 Furthermore, it merely shows the presumptuousness
11 of the Dutch Indies at the same time constituting an
12 act of humiliation to Japan, who is a great power,
13 to have a small nation like the Dutch Indies demand
14 of us an assurance that Japan will not re-export to
15 Germany. We could never give such an assurance.
16 Should the negotiations by chance, end in rupture
17 and lead to Delegate YOSHIKAWA's withdrawal, there
18 is no vouchsafing as regards what a grave situa-
19 tion may arise not only diplomatically, but also
20 internally, thereby inciting not only the anti-
21 Dutch, but also anti-British and anti-American
22 sentiment to such a degree that this Minister may
23 no longer be able to check same as was done in the
24 past."
25

We will not read the remainder of the

telegram.

1 The Netherlands answer to the final Jap-
2 anese proposals was given in a note dated 3 June
3 1941. We continue to read from exhibit 1309-A,
4 starting at the middle of page 31:

5 "Memorandum presented by the Netherland
6 delegation on June 6, 1941.

7 "Preamble.

8 "From the memoranda, presented by the Jap-
9 anese economic delegation on May 14th and 22nd,
10 1941, the Netherland delegation have noticed with
11 satisfaction that the Japanese proposals have been
12 modified in several instances after the thorough
13 discussion of the various points at issue in the course
14 of the negotiations. They value these modifications
15 as a result of the endeavours of the Japanese dele-
16 gation to adapt the Japanese proposals, as originally
17 formulated, to the exigencies of the present abnormal
18 circumstances, and to meet to a certain extent the
19 objections raised by the Netherland delegation on
20 account of the incompatibility of a number of those
21 proposals with the principles of economic policy in
22 the Netherlands Indies.

23 "Nevertheless the Netherland delegation cannot
24 but express their regret that the views of the
25

1 Japanese Government are still materially at variance
2 with these principles.

3 "In fact the Japanese memorandum of the 14th of
4 May 1941 states that the Japanese Government still
5 firmly hold the views expressed in the preamble of
6 the memorandum of the 16th of January 1941. As these
7 views were based on a supposed inadequacy in the
8 development of the natural resources of the Nether-
9 lands Indies and an assumed interdependence between
10 this country and the Japanese Empire, it is clear
11 that their practical application would tend to create
12 a special position for the Japanese interests in the
13 Netherlands Indies.

14 "It seems, therefore, appropriate to point once
15 more to the fundamental economic policy of the
16 Netherland Government in regard to this archipelago,
17 as set forth in the Netherland memorandum of February
18 3rd 1941; a policy which involves the furtherance
19 of welfare, progress and emancipation of its popula-
20 tion, non-discrimination towards friendly foreign
21 powers and the avoidance of the creation of pre-
22 ponderance of foreign interests in any particular
23 field of activity.

24 "Apart from these considerations of general
25 economic policy, the relations between the Netherlands

1 Indies and other countries must, for the duration of
2 the war, be affected by the subjection of trade and
3 other economic activities to certain unavoidable
4 restrictions, in order to prevent direct or in-
5 direct advantage to the enemy, to safeguard the de-
6 fence of the Netherlands Indies, and to promote the
7 war effort of the Kingdom and its allies. These
8 restrictions are, by their nature, of a temporary
9 character.

10 "Notwithstanding the difference in general con-
11 ception, which appears to separate the two govern-
12 ments, the Netherland delegation remain desirous to
13 make another effort to convince the Japanese delega-
14 tion not only of the reasonableness of the position
15 taken by the Netherland Government in regard to the
16 specific questions raised in the recent Japanese
17 memoranda, but also of the practical possibilities
18 open to the Japanese interests on various points."
19

20 The Netherlands proposals being unacceptable
21 to the Japanese Government, it was determined to dis-
22 continue negotiations. How this was done is shown
23 in two telegrams exchanged between Batavia and Tokyo
24 which we will now introduce in evidence.

25 We introduce in evidence prosecution
document 2748A (14), being a telegram from the

1 Japanese delegate in Batavia to Foreign Minister
2 MATSUOKA, dated 7 June 1941.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 2748A (14) will receive exhibit No. 1322.

6 (Whereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 1322 and received in evidence.)

9 MR. LAVERGE: We will now read exhibit
10 1322:

1 "1941 /Showa 16/ 15593 (cipher telegram)

2 "Despatche from Batavia - June 7, p.m.

3 "Received at this /Foreign/ Office - June 8,
4 a.m.

5 "From Delegate YOSHIZAWA to Foreign Minister
6 MATSUOKA

7 Parley No. 227 (per Embassy's code, Foreign -
8 Top Secret)

9 "Referring to Outgoing Cable No. 222.

10 "1. Although, as you will be able to observe
11 from the foregoing cable, the Dutch reply shows that
12 there are some points where they have agreed to our
13 wishes, nevertheless the prospects are not very bright
14 in regard to problems such as entry into the country,
15 enterprises and commerce due to their adhering to their
16 former contentions; in addition to which, in regard
17 to the question of resources, such as rubber and tin,
18 as well as regarding among other important commodities
19 to which the government /T.N. Japanese/ attaches the
20 greatest importance at present, they /T.N. the Dutch/
21 are stubbornly persisting in their conditions. More-
22 over, they /the Dutch/ have in fact at the same time
23 decreased the quantities compared with the informal
24 figures submitted hitherto by them /the Dutch
25 authorities/."

1 "Now that Your Excellency and the Vice-Minister
2 have lodged a strong protest against the British
3 Ambassador and the Dutch Minister, and the Publicity
4 Department as well as the newspapers have been carry-
5 ing out an active press campaign, it is absolutely
6 impossible to accept the Dutch reply just as it is.

7 "Even if we should, at this juncture, demand
8 the concession of the Dutch and try to continue on
9 with the negotiations, inasmuch as the Dutch reply I
10 have just received was, in addition to having met with
11 the special consideration of the Plenary Session by
12 studying same themselves repeatedly by inviting 'MO'
13 after having submitted same to the Indian Council
14 for deliberation, also approved of by the Dutch
15 government in London, it is evident that they would
16 no longer accept any such demand in view of the Dutch
17 side manifesting a firm attitude as regards their
18 unwillingness to discuss matters any further.

19 "Consequently, although it is considered that
20 the only option left as regards the attitude to be
21 adopted by us would be to have our Delegation leave
22 after announcing the rupture of the Parley, on the
23 ground that the Dutch reply was unsatisfactory, in
24 such a case it is evident that, out of respect towards
25 its people, the Japanese Government would have to

1 assume a strong attitude towards the Dutch, and the
2 press would denounce the Dutch attitude in a vehement
3 tone.

4 "However, as has been duly proved by what has
5 occurred in the past, the Dutch would by no means yield
6 to such a threatening gesture. On the contrary,

7 "(a) No new petroleum concessions whatso-
8 ever would be sanctioned.

9 "(b) No 'moral support' would be given towards
10 the renewal of the contract re sale of oil next
11 November.

12 "(c) No promise whatsoever would be given
13 also on materials other than, petroleum and the supply
14 thereof would be more and more restricted.

15 "(d) Copra and palm oil would be set back to
16 12,000 kilo tons and 960 tons respectively, and it
17 would be made impossible for the Japanese farms and
18 merchants to export their products and stocks to
19 Japan.

20 "(e) Japanese doctors would, obviously, be
21 prohibited from establishing their practice, and the
22 restrictions regarding entry into the country would be
23 still further strengthened.

24 "(f) No advance notice would be given regard-
25 ing the importation of Japanese goods."

1 "(g) Various methods would be resorted to
2 in order to increase the pressure upon the business
3 and living of the Japanese residents.

4 "(h) The attitude of dependence on Great
5 Britain and the United States would be strengthened
6 in a still more outspoken manner.

7 "We must consequently be prepared for the fact
8 that the situation after the rupture would become very
9 grave. Not only would it be unfavourable from the
10 standpoint of our prestige at home and abroad to attempt
11 any measures for prolonging the stay of our Delegation,
12 but as, in such a case, the Dutch authorities would
13 most probably demand the withdrawal of the Delegation,
14 and as the Empire's prestige would become completely
15 lost in the event of the Delegation being thereby forced
16 to leave, please, after giving the matter your careful
17 and due consideration, send me your urgent telegraphic
18 reply as regards the attitude that I should assume.

19 "Moreover, please note that, if possible, I
20 intend to return to Japan by the first available
21 opportunity after the 20th inst."

22 We introduce in evidence prosecution docu-
23 ment 2748A (15), being a telegram to the Japanese
24 delegate in Batavia, YOSHIZAWA, from Foreign Minister
25 MATSUOKA, dated 14 June 1941.

1 THE PRESIDENT: Admitted on the usual terms.
2 CLERK OF THE COURT: Prosecution's document
3 No. 2748A (15) will be given exhibit No. 1323.

4 (Whereupon, the document above referred
5 to was marked prosecution's exhibit No. 1323 and
6 received in evidence.)

7 MR. LAVERGL: We will now read part of
8 exhibit 1323:

9 "Telegram No. 22296

10 "Copy of the Telegram despatched to
11 Delegate YOSHIZAWA at Batavia by Foreign Minister
12 MATSUOKA, at 8:15 p.m., 14 June 1941.

13 "Subject: Breaking off of negotiations
14 with the Netherlands Indies.

15 "(Cipher) Urgent No. 147 (Handled in same
16 manner as director's code)

17 "In connection with your telegram 'conference'
18 No. 227: the reply of the Netherlands Indies this
19 time is so unwarrantable that it is not only beyond
20 our acceptance, but it is also meaningless for us to
21 continue the negotiation on the basis of their reply.
22 Therefore, the Government in accordance with your
23 opinion has decided to break off the conference and
24 to withdraw you, the delegate, and your whole staffs."

25 I will not read further from the telegram.

1 I will now read the last two pages of exhibit
2 1309A; starting near the top of page 36:

3 "The delegations met once more, on the tenth
4 of June, at the request of Mr. YOSHIZAWA. It became
5 quite clear at this meeting that the Japanese wished
6 to wind up their business. They asked only for a
7 number of technical elucidations in order to complete
8 the report to their government.

9 "The next morning, June 17, 1941, Mr. YOSHIZAWA
10 asked for an audience of the Governor General.

11 "After the usual compliments, Mr. YOSHIZAWA
12 opened the discussion by pointing out that the
13 Japanese Government had drawn up their last proposals
14 in an extremely conciliatory spirit, so much so that
15 they would run great risk of general disapprobation
16 if the document were to be published. Nevertheless,
17 the answer of the Netherland delegation had been wholly
18 unsatisfactory and, therefore, could not provide a
19 sufficient basis for an agreement. He was instructed
20 to ask the Governor General to reconsider that answer.
21 If that was impossible, his government had decided to
22 discontinue the negotiations and to recall their
23 delegation. The Governor General replied that he
24 appreciated the conciliatory attitude of the Japanese
25 Government, but that the Netherland Government were

1 candidly convinced that an agreement could not be
2 reached on the terms proposed. In all sincerity he
3 could not see his way to suggest any alterations in the
4 standpoint of his government as formulated in the last
5 Netherland memorandum. He added, however, that in
6 his judgment the negotiations had not been altogether
7 unproductive, although no agreement had emanated. The
8 respective positions had been very searching and
9 patiently analysed, and even if the parties could
10 not agree, they had at least been able to come to a
11 better understanding of each other.

12 "Mr. YOSHIKAWA proceeded to state that al-
13 though the negotiations had brought no agreement, the
14 Japanese Government wanted to see the general trade
15 and economic relations maintained as hitherto. The
16 Governor General concurred. The failure to agree was
17 to be expected, as the Netherlands Indies could not
18 further extend their already very liberal policy, in
19 the manner recommended by the Japanese proposals, but
20 this failure need leave no unfriendly sentiments. The
21 Netherland Government would be satisfied to continue
22 mutual relations on the old footing.

23 "Mr. YOSHIKAWA then produced the draft of
24 a joint communique, which, with a few minor amendments,
25 was agreed upon in the following text, to be published

1 forthwith:

2 "Joint Communiqué

3 "Both the Netherland and the Japanese dele-
4 gations greatly regret that the economic negotiation,
5 which has been conducted between them, has unfortunatel-
6 ly come to no satisfactory result. It is needless,
7 however, to add that the discontinuation of the present
8 negotiation will lead to no change in the normal
9 relations between the Netherlands Indies and Japan."

10 The Tribunal's attention is respectfully
11 invited to exhibit 635, being a telegram from the
12 German Ambassador to the German Foreign Minister,
13 dated 21 June 1941, in which the German Ambassador
14 reports that Foreign Minister MATSUOKA has stated to
15 him that the breaking off of the negotiations between
16 Japan and the Netherlands is definite, and that for
17 proceeding against the Netherlands Indies air and
18 naval bases must be set up in French Indo-China.

19 The southern part of French Indo-China was
20 occupied in July 1941 and as a result all Japanese funds
21 and assets in the Netherlands Indies were frozen.

22 We offer for identification only Prosecution
23 document 2339, the Japan Year Book for the year 1943-
24 1944.

25 CLERK OF THE COURT: Prosecution's document

1 No. 2339 will receive exhibit No. 1324 for identifica-
2 tion only.

3 (Whereupon, the document above referred
4 to was marked prosecution's exhibit No. 1324 for
5 identification.)

6 MR. LAVERGE: We offer in evidence an excerpt
7 from this exhibit, prosecution document 2339D.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecutions document
10 No. 2339D will receive exhibit No. 1324A.

11 (Whereupon, the document above referred
12 to was marked prosecution's exhibit No. 1324A
13 and received in evidence.)

14 MR. LAVERGE: We will read exhibit 1324A:

15 "The Japan Year Book 1943-44 Page 205.

16 "The Government of Netherlands, on the 28th,
17 announced the suspension of Japan-Netherlands Financial
18 agreement and the freezing of Japanese assets in the
19 whole of the Dutch East Indies."

20 THE PRESIDENT: What date is that?

21 MR. LAVERGE: It isn't on the exhibit. That
22 is a mistake on the part of the prosecution. The year
23 is 1941. We will have to further prove it.

24 THE PRESIDENT: June 1941, is it?

25 MR. LAVERGE: July 1941. We can produce

1 further evidence that the year was 1941, if your
2 Honor so requires.

3 THE PRESIDENT: It appears in a schedule of
4 dates we have previously. Unless the defense object
5 or contest it, we will take it to be the 28th of July,
6 1941.

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1 MR. LAVERGE: Having concluded the intro-
2 duction of evidence concerning the direct relations
3 and negotiations between the Netherlands and Japan
4 in 1940 and 1941, we will present to the Tribunal
5 a number of documents to show how in preparation
6 for military operations, Japan had been building
7 up an extensive organization of espionage and fifth
8 column activity in the Netherlands Indies.

9 We offer in evidence prosecution document No.
10 2613, being an official report by the Bureau of
11 East Asiatic Affairs of the Netherlands Indies
12 Government on the organization of the Japanese
13 Intelligence Service in the Netherlands Indies,
14 dated 27 October 1941.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution's document
17 No. 2613 will receive exhibit No. 1325.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution's exhibit
20 No. 1325 and received in evidence.)

21 MR. LAVERGE: We will now read exhibit 1325
22 starting at the last paragraph on page 1.

23 "The Japanese Intelligence Service for the
24 Netherlands Indies consists of four organizations
25 hereinafter referred to by the letters: F.O.O.,

1 P.N.O., F.A.O., and O.C.O. These four organizations
2 will be systematically dealt with in turn hereunder:

3 "F.O.O.

4 "The most important and extensive organization
5 is the Foreign Office Organization, the composition
6 of which is shown in maps F.O.O. 1 and 2.

7 "The central points of this organization within
8 the Netherlands Indies are the Japanese Consulates
9 at Manado (42), Makassar (39); Soerabaja (22),
10 Batavia (11), and Medan (2). The lines indicate the
11 system whereby intelligence is passed on from places
12 where there are no Consulates. The numbers refer to
13 places where Japanese reside, who are known to
14 supply the Consulates with intelligence (in the
15 widest sense). Intelligence is
16 collected by means of journeys by informants to
17 places where there are Consulates, and on official
18 journeys by Consular Officials. Censorship has
19 completely eliminated the passing on of intelligence
20 by mail, which has never been very widely used.

21 "The red lines A and B mark the route of the
22 diplomatic couriers, who travel through the Nether-
23 lands Indies at regular intervals. It is noticeable
24 that these couriers generally travel in pairs, and
25 always remain together. They arrive regularly each

1 month. Prior to the recent restrictions on their
2 movements, they used also to travel on other than
3 the reproduced route, which is limited to the places
4 where there are consulates, inter alia, to East
5 Borneo and the Palembang region. These couriers
6 collect all the intelligence that has been brought
7 to the Consulates. They are often (non-commissioned)
8 officers of the Army, Navy, or State Police Forces,
9 which indicates the nature of the intelligence col-
10 lected. Nevertheless, for considerations of exped-
11 iency, they are incorporated into the F.O.O. as
12 being the safest organization.

13 "Map F.O.O. (2) is complementary to Map F.O.O.
14 (1). The red line A/B again indicates the courier's
15 route, which generally runs from Tokyo over Formosa,
16 Indo-China, Thailand, Singapore, Consulates in the
17 Netherlands Indies, and Palao, or vice versa. In
18 addition to the regular couriers' service the Consu-
19 lates have at their disposal telegraphic code
20 communication for conveying intelligence to Tokyo,
21 marked as C-lines on map F.O.O. (2). The numbers
22 on this map refer to the attached list of Consular
23 Officials, who are particularly entrusted with
24 espionage and the supplying of intelligence.

25 "Furthermore, crews (captains) of Japanese mail

1 steamers, tankers, etc., serve as supplementary
2 couriers. In order not to impair the clarity of
3 map F.O.O. (2), these have not been indicated
4 thereon.

5 "P.N.O.

6 "The Palao Naval Organization operates for the
7 Naval Information Service at Tokyo, more or less
8 independently from the Ministry of Foreign Affairs.
9 The important central point of this organization is
10 Palao, from where instructions are received, and
11 where intelligence is collected. There are indi-
12 cations that important information is passed on to
13 the military authorities in Formosa through the
14 Intelligence Service at Tokyo. Map P.N.O. is a
15 diagrammatic representation of this organization.
16 The numbers refer to known agents. Some of these
17 informants, who are paid from Palao, are regularly
18 recalled to Tokyo and Palao. In Tokyo they always
19 reside at the Tokyo Hotel, above the Central Station.
20 Most of these agents have permits to reside in the
21 Netherlands Indies and spend part of the year abroad,
22 either at Palao or in Japan.

23 "In considering map P.N.O., it should be noted
24 that it is not imperative for the intelligence
25 collected to go through Palao. It often reaches

1 Tokyo direct and is passed on from there to Palao.

2 "F.A.O.

3 "The third organization is referred to as the
4 Formosa Army Organization because the important
5 central point and collecting center lies in Formosa,
6 and the organization is under military direction.
7 The lines of communication are shown on map F.A.O.,
8 in which connection it is noticeable that these are
9 mainly concentrated on the western section of the
10 Netherlands Indies Archipelago, as contrasted with
11 the P.N.O. organization dominated by the Japanese
12 Navy, which generally pays more attention to com-
13 munications in the east of the Netherlands Indies.

14 "The rule that when circumstances require,
15 intelligence can be sent to Tokyo direct, also
16 applies to the F.A.O.

17 "O.C.O.

18 "The Overseas Chinese Organization is more
19 concerned with fifth column activities than the
20 three above mentioned organizations. Nevertheless,
21 it serves at the same time as an organization for
22 the supply of intelligence. To a greater extent than
23 in the case of the P.N.O. and F.A.O. dealt with
24 above, which operate through Japanese agents, the
25 Consulates (F.O.O.), which with Japanese consular

1 officials or private Japanese individuals as inter-
2 mediaries receive the required information from
3 Chinese informants, from part of the organization.
4 The Consulates have very large funds at their dis-
5 posal to finance the O.C.O.

6 "Map O.C.O. indicates the intelligence service
7 of Wang Ching Wei agents. The circles A, B, C, D,
8 and E with the Consulates as centers, represent a
9 number of Wang Ching Wei agents dispersed over the
10 whole of the Netherlands Indies. The
11 impression is given that the Japanese Consulate-Gen-
12 eral at Batavia acts as a receiving center for the
13 O.C.O. and passes on intelligence direct to Tokyo
14 or to the headquarters in China at Amoy. Which way
15 this is done makes little difference, since there is
16 regular contact between Tokyo and Amoy. Branch lines
17 go to Nanking, Canton, Hainan, and Formosa, where
18 there are branches of this organization. The Koain
19 at Tokyo (Council for the Advancement of Asia) forms
20 part of this system.

21 "The four Intelligence Organizations in the
22 Netherlands Indies, F.O.O. (Consulates), P.N.C.,
23 F.A.O., and O.C.O. work in close contact with one
24 another. Owing to circumstances - namely, the state
25 of siege in this country, with the limitations and

1 supervision thereby entailed, - this contact has
2 become still closer."

3 We will not read the remainder of this report
4 although the Tribunal might wish to consider the
5 diagrams and maps which follow the part we have
6 read.

7 I also want to point out that this report is
8 dated 27 October 1941, and classified Top Secret.

9 MR. BROOKS: Mr. President.

10 THE PRESIDENT: Mr. Brooks.

11 MR. BROOKS: I would like to raise a point
12 on this affidavit. It appears in paragraph 4 that
13 all of the records and files were destroyed or lost.
14 I am speaking of exhibit 1325. Filed here with the
15 Court are the photostatic copies of something, and
16 from this certificate there is no statement of what
17 is filed with the Court, as far as I can ascertain,
18 as the true copies, or there is no statement that
19 these things that are filed are true certificates
20 prepared -- photostats prepared from originals or
21 otherwise. I thought maybe the prosecution can
22 explain it before we object any further.

23 MR. LAVERGE: Your Honor, what is lodged with
24 the Court --

25 THE PRESIDENT: Can you improve on the

1 affidavit which is carefully drawn? It is for the
2 defense to prove in the course of giving evidence
3 that the affidavit is incorrect. Statements in the
4 affidavit are explicit. They leave no question
5 open. He is the Head of the bureau that received
6 the report.

7 MR. BROOKS: I am considering, though, your
8 Honor, what is lodged with the Court in reference to
9 this affidavit, and there is a copy of something
10 there in Dutch that is supposed to be -- the Clerk
11 tells me is the original file; and then there is
12 some photostatic copies. Now I can't read Dutch.
13 We don't have Dutch interpreters. It would save a
14 lot of work on them.

15 MR. LAVERGE: Your Honor, if I might explain:
16 What is lodged with the Clerk of the Court at the
17 moment is both the original and a photostatic copy;
18 and we were going to request replacement of the
19 original by a photostatic copy so that the replacement--
20 the original could be returned.

21 THE PRESIDENT: We authorize that replacement.

22 MR. BROOKS: I won't take up any further time.
23 We will investigate it further. No further objection,
24 your Honor.

25 MR. LAVERGE: We will next present to the

1 Tribunal two documents to show how an attempt was
2 made to establish a Japanese propaganda newspaper
3 in the Netherlands Indies.

4 We tender for identification only, prosecution
5 document 2612, being an official report of the
6 Netherlands Indies Government on Japanese subversive
7 activities in the Netherlands Indies.

8 CLERK OF THE COURT: Prosecution's docu-
9 ment No. 2612 will receive exhibit No. 1326 for
10 identification only.

11 (Whereupon, the document above
12 mentioned was marked prosecution's exhibit
13 No. 1326 for identification.)

14 MR. LAVERGE: We offer in evidence an
15 excerpt from the aforementioned report, prosecution
16 document No. 2612A, being a letter dated 30 May 1938,
17 reproduced as an appendix to the government report.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 No. 2612A will receive exhibit No. 1326A.

21 (Whereupon, the document above re-
22 ferred to was marked prosecution's exhibit
23 No. 1326A and received in evidence.)

24 MR. LAVERGE: We will now read parts of
25 exhibit 1326A starting at the top of page 2.

1 THE PRESIDENT: Are you reading much of it?

2 MR. LAVERGE: Pardon me.

3 THE PRESIDENT: How much are you going to
4 read?

5 MR. LAVERGE: I am going to read in all two
6 pages, your Honor.

7 THE PRESIDENT: You may read it after the
8 recess.

9 We will recess for fifteen minutes.

10 (Whereupon, at 1443, a recess was
11 taken until 1500, after which the proceedings
12 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Laverge.

4 MR. LAVERGE: We will now read parts of
5 exhibit 1326-A, starting at the top of page two:

6 "Accompanying letter, May 30th: 3rd
7 Section of the Europe-Asia Bureau, from KOTANI, Tanun
8 to Mr. KANEKO, Keizo.

9 "I send hereby the original of the scheme
10 and wish you success.

11 "Plan for the Publication of a Daily
12 Paper in the Malay Language by Japanese in the
13 Netherlands Indies

14 "1. Scheme of Publication

15 "a. Saeroen to be appointed Chief Editor.
16 Saeroen who used to be editor of the Pemandangan,
17 who is known amongst the East Indian intellectuals
18 as pro-Japanese and whose dismissal was, therefore,
19 brought about by the wealthy overseas Chinese, is
20 now connected with the 'Aneta' press bureau.

21 "He has close relations with the elected
22 members of the People's Council, Thamrin and Soekardjo,
23 who are the leaders of the native independence move-
24 ment. He collaborates closely with Mr. KUBO, Tatsuji.

25 "b. Plan adviser, Mr. KUBO, Tatsuji. The

1 former director of the Nichiran Shogyo, Mr. KUBO
2 has been in the Netherlands Indies for the
3 last 30 years and is well acquainted with the political
4 and economic world in the Netherlands Indies. He
5 has friendly relations with influential natives and
6 has a clear view of national policy. He would stand
7 behind Saeroen as the leading force.

8 "c. Mr. MOMINOKI, Tatsuo would look after
9 the Japanese news. He is a young man who has been
10 in the Netherlands Indies for more than ten years
11 and has profoundly studied the Malay language. He
12 used to be editor of the Nichiron Shogyo Shimbun and
13 is now a contributor to the Malay daily paper Soeara
14 Oemoen and three other papers. He is in the center
15 of the struggle for the purpose of convincing the
16 East Indians of the true situation of the Chinese
17 conflict and enjoys an established reputation among
18 the intelligentia as being the most proficient
19 expert of the Malay language among the Japanese.

20 "He is to work under Saeroen for the trans-
21 lation of the Japanese news.

22 "d. Daily paper.

23 "e. Place of publication: Batavia, the
24 political center of the Netherlands Indies.

25 "f. Number of pages: 8 to 10.

1 "g. Subscription: 50 to 75 cents per
2 month. Postage extra. Up to ten pages the postage
3 is 1 cent per copy. This subscription may be thought
4 too low but in view of the state of income of the
5 East Indian intellectuals the subscription, including
6 postage, should not be more than one guilder per
7 month."

8 We will not read the paragraph dealing
9 with the budget for the newspaper, but would like
10 to draw the Tribunal's attention to the fact that an
11 initial outlay of 31,000 guilders was to be made and
12 that a monthly deficit was expected.

13 We continue reading near the bottom of
14 Page 3:

15 "The Japanese newspapers in the Netherlands
16 Indies are read by only a very small portion of the
17 Japanese and never come under the eyes of the
18 Chinese, Javanese , etc.

19 "When the paper is printed in Malay and
20 the situation in Japan is made known, a result of
21 inestimable extent can be expected.

22 "When this paper inserts Japanese advertise-
23 ments, explains Japanese Commerce, and furthermore
24 introduces touristic and industrial Japan, not only
25 would same serve to foster amicable relations, but

1 would also save the 60,000,000 East Indian populace
2 from the false reports so characteristic of the
3 Chinese. This plan for a Malay daily paper has
4 already been considered for three years without
5 being realized. However, often the front was formed
6 and, however, frequently discussions took place,
7 publication did not materialize. The Japanese living
8 in Java could hardly counteract Chinese news during
9 the Manchurian conflict and they experienced great
10 hardships through this adverse propaganda.

11 "Now that the Sino-Japanese Incident has
12 become more magnified and complicated, the home
13 country of the Overseas Chinese in the Netherlands
14 Indies is on the verge of becoming the scene of
15 warfare.

16 "The entire Netherlands Indian press is
17 boosting China in order to curry favor with the
18 Chinese who have the real economic power.

19 "In the Netherlands Indies the Chinese
20 publish more than ten papers in the Malay language
21 alone and over ten in Chinese.

22 "For our compatriots there were only two
23 Japanese papers which through the intermediary of the
24 Consulate were fused into one and this contains only
25 news along the line provided by the news service

1 of the Ministry of Foreign Affairs.

2 "Of a Malay daily paper there is under
3 those circumstances, of course, no question. The
4 hope of the Japanese inhabitants is that a Malay paper
5 will insert Japanese propaganda and commercial news.
6 But not only this; others have to be made acquainted
7 with Imperial Japan's love of justice.

8 "The intellectual East Indians of Java,
9 Sumatra, etc., expect Japan to publish a Malay
10 paper under Japanese management and the wishes of
11 Japan and Java coincide remarkably. This opportunity,
12 which is now mature, has been long and eagerly
13 awaited, but if publication is not now begun it will
14 never be realized.

15 "In order to thoroughly study the prospects
16 and the budget I have returned for the third time to
17 the fatherland so as to make a last effort.

18 "I request, dear Gentlemen, that you will
19 agree to this for the sake of our country's march to
20 the South."

21 We offer in evidence a further excerpt
22 from exhibit No. 1326 for identification, another letter
23 reproduced as an appendix to this exhibit. As may
24 be seen from the certificate attached to the letter,
25 the date which is given in the letter as 24 December,

1 is 24 December 1938.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's document
4 No. 2612-B will receive exhibit No. 1326-B.

5 (Whereupon, the document above re-
6 ferred to was marked prosecution's exhibit
7 No. 1326-B and received in evidence.)

8 MR. LAVERGE: We will now read parts of
9 exhibit No. 1326-B, I begin with the text of the
10 letter:

11 "At the end of the year the atmosphere in
12 the fatherland in connection with war conditions is
13 very tense, if compared with other years.

14 "There are very few decorations in the
15 streets, but the first class restaurants are full
16 each day. But one sees no Geisha festivities.

17 "The business for which during so many
18 years I have given myself so much trouble and which
19 I expected to be a success has unfortunately ended
20 in failure again. In these days when the problem
21 of the Southward policy has come to the fore, I
22 cannot find sufficient words to offer apologies to
23 my country.

24 "How worried I felt at the moment of
25 returning from the Foreign Office after inquiring

1 whether any report had yet been received that the
2 publication of the newspaper had commenced. Although
3 I had made up my mind that the banning of my return
4 (to the Netherlands Indies) would be a mere question
5 of time, the only thing that weighs heavily on my
6 mind is the question of progress regarding the "Warta
7 Harian."

8 "I am quite aware of the various local
9 complications, but if you think that it will not do
10 to make Saeroen president and chief editor, please
11 manage (assume control of) it yourself and start
12 publication immediately. It is obvious that the
13 propaganda value would then, of course, become consider-
14 ably minimized. Both KOMINOKI and myself shall defy
15 the oppressive measures of the Netherlands Indies
16 authorities by re-entering the country. I have already
17 conferred with the General Steff about this step which
18 I will take as a final measure.

19 "If the plan with Saeroen should become re-
20 alized before matters come to the aforementioned stage,
21 it would merit many 'banzais' in view of its represent-
22 ing my long-cherished desire. It is the policy of
23 both of us not to force our return until this object
24 has been achieved.

25 "Even if it should become impossible for

1 me to re-enter the country I shall not fail to send
2 you sufficient operating funds. I have entrusted
3 Mr. KOTANI of the Foreign Office with the safe-
4 keeping of yen 5,000 only which I persuaded President
5 MATSUOKA of the South Manchurian Railway Company to
6 give. Further, the Bureau for East Asiatic Economic
7 Research (Toa Keizai Chosa Kyoku) of the South
8 Manchurian Railway Company (under leadership of
9 OKAWA, Shumei) has also promised to give a subsidy
10 of around 50,000 yen per annum as from next year.
11 Also, our elder IWATA takes a great deal of trouble
12 about the matter. He intends to supply Siamese
13 cowhides to the Army and upon its realization as well
14 as his succeeding in acquiring special rights
15 (concessions) in South China he will send about
16 20,000 or 30,000 yen for the work in the Netherlands
17 Indies. Also, as regards the question of shortage
18 of personnel, preparations have already been completed
19 to send some to you promptly depending upon the
20 prospects. In brief, please advise me as promptly
21 as possible of the necessary counter-measures after
22 taking the local conditions at your end into careful
23 consideration. I particularly and ardently hope
24 that you will realize the establishment of a Malay
25 paper. If the publication of a new paper is impossible,

1 I think it would become necessary to buy and to
2 transfer to Batavia the Sinar Selatan."

3 We will now pass over the next few para-
4 graphs and continue reading at the second line
5 from the bottom of page two:

6 "In collecting money for future work
7 the closest contact should be kept with the Ministry
8 of Foreign Affairs and it is urgently desirable
9 thereby in all respects to cooperate with the
10 Consulate-General. Even if NOMINOKI and I are not
11 allowed to return, I trust you are firmly decided
12 to give your service in the interest of the State.
13 Please answer me to c/o Mr. IWATA, Shirokane Dai-
14 machi I, No. 81, Shiba-ku, Tokyo. (Signed)
15 KANEKO, Keizo."
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MR. LEVIN: Mr. President.

THE MONITOR: Will you please wait?

All right.

THE COURT: Mr. Levin.

MR. LEVIN: I would like to indicate that I do not see the significance of this document, 1326-B.

THE PRESIDENT: Press propaganda is part of aggression, I suppose.

MR. LEVIN: It is possible that on that basis it might be ground for its admissibility; however, it does not appear to come from some person in authority or from an authoritative source.

THE PRESIDENT: The Foreign Office is mentioned. It has been read now.

MR. LAVERGE: The next two documents, which we will offer in evidence deal with Japanese exploration of Dutch New Guinea. We introduce in evidence prosecution document 2612-D, a letter dated 15 March 1935, being a further excerpt from exhibit 1326 for identification, and reproduced as an appendix to this exhibit.

THE PRESIDENT: The excerpt is admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document

1 No. 2612-D will receive exhibit No. 1326-C.

2 (Whereupon, the document above
3 referred to was marked prosecution's exhibit
4 No. 1326-C and received in evidence.)

5 MR. LAVERGE: We will read the first two
6 lines of the heading of the letter, as well as the
7 whole text:

8 "Nanyo Kohatsu Kabushiki Kaisha

9 "(South Seas Development Co. Ltd.)

10 "15 March 1935.

11 "Foreign Outward No. 29, from President
12 MATSUE at Tokyo, also sealed by MIZUNO and SAITO
13 Bunya, (Overseas Section), addressed to Mr. Kosugi
14 MICHINARI at Momi Office.

15 "Subject: 'Foundation of the Dutch New
16 Guinea Oil Company.'

17 "I have the honor to transmit herewith
18 for your reference the reports received from the
19 Naval Staff and from the Consulate-General at
20 Batavia, both dated February 14th, concerning the
21 conditions regarding the starting of enterprises in
22 Dutch territory.

23 "Our company would also like to apply for
24 the permission to do experimental drillings in the
25 territory which has been colored red on the enclosed

1 map.

2 "In this connection thorough study of the
3 Netherlands Indian mining legislation is necessary:
4 I enclose a copy of 'Mining in the Netherlands East
5 Indies and the Mining Law,' and request you to make
6 preparations for the future.

7 "In view of the opinion of the local
8 authorities it is to be expected, of course, that
9 they may not be well disposed towards this applica-
10 tion. I request you, therefore, to bear this in
11 mind and in great secrecy to make investigations
12 regarding the red colored territory which has an
13 area of about 1.7 million hectares and also to
14 inquire about the procedure, etc. for making appli-
15 cations. Also, you will please submit some sort of
16 a definite plan."

17 We offer in evidence prosecution document
18 2612-C, an excerpt from exhibit No. 1326 for iden-
19 tification and reproduced as an appendix to that
20 exhibit.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document
23 No. 2612-C will receive exhibit No. 1326-D.

24 (Whereupon, the document above
25 referred to was marked prosecution's exhibit

1 No. 1326-D and received in evidence.)

2 MR. LAVERGE: As may be seen from the
3 certificate attached to the document, the date of
4 this letter, which is given as May 20, is 20 May
5 1939.

6 We will read exhibit 1326-D entirely:

7 "I trust that you are all in the best of
8 health and working hard.

9 "I beg to also thank you for your
10 various courtesies extended to me on the occasion
11 of my recent furlough return to Tokyo.

12 "After a stay of three days in Palao, I
13 finally leave at noon tomorrow, the 21st, per Palao
14 Maru. It is remarkable how here at Palao the ex-
15 pansion of all tropical industries has continued in
16 all possible directions; the establishment of new
17 companies, large and small, is most astounding. I
18 was greatly impressed (inspired) by the various
19 things which I learned in the course of my inter-
20 views with all of the leading personalities. In
21 brief, I believe this to be nothing else than the
22 realization of the Empire's trend towards filling
23 the needs for various resources that it depends upon.
24 Southern industries, through the hands of the Japanese
25

1 instead of importing same (Tr. Note: from abroad).
2 But it is not possible to have the requirements of
3 Japan which progresses by leaps and bounds satisfied
4 by the Mandated Territories only. The next important
5 problem lies therein that its solution will, of
6 necessity, have to be met by the expansion of the
7 Japanese in Great New Guinea, and I think that the
8 time is rapidly and silently approaching when we
9 shall be taking an active part.

10 "For the sake of the Nanyo Kohatsu Kaisha's
11 newly advancing to the Spratley Islands, Mr. TAKEDA,
12 Chief of the General Affairs Section of the Palao
13 office, will be proceeding to the said islands by
14 the 'Saipan Maru' on the 27th. I am informed that
15 in the Island of Hainan, all forms of enterprises
16 are flourishing, and the Nanyo Kohatsu's research
17 party, too, is at present engaged in research work.

18 "The aerial route between Tokyo and Palao
19 has been completely opened, and passengers at a fare
20 of 360 yen per person are conveyed to Tokyo in two
21 days. Letters are 30 sen in excess of the ordinary
22 postage. There is one plane per week. Large four
23 motor hydro planes are used and in order to perfect
24 this air line they are piloted by naval officers on
25 the active list (commanded by lieutenant-commanders).

1 "Naval Attache OKUMA, from whom we always
2 have received the greatest possible help for our
3 New Guinea Enterprise Department, has been promoted
4 to the Navy Ministry, and his successor, Naval
5 Captain FUNAKI, has already arrived at Palao.

6 "At present a large quay is being con-
7 structed on the Island of Marakaru (Malakai, Palao
8 group) which will be able to accommodate two vessels
9 of 6000 tons. The work is being executed by the
10 Nampo Sangyo K.K., while today, the 20th, with
11 great ceremonial, the ground has been inaugurated for
12 the construction of two 10,000 ton oil tanks. It
13 is extremely gratifying that such large installations
14 which as sine qua non imply the expansion of New
15 Guinea are steadily making headway.

16
17 "Also, as regards the increase in personnel
18 for New Guinea, I have been informed by Naval Attache
19 OKUMA, after my arrival at Palao, that permission
20 has been given for ten persons. He said: 'Ten
21 persons for New Guinea is rather few, but these ten
22 men must at least be equivalent to 10,000, because
23 they represent a group of only matchless warriors,
24 each of whom is a match for 1,000 men.' I shall now
25 conclude my letter of thanks as well as of Palao news.
I ardently hope, my comrades, with the motto 'Health

1 First' in mind, that you will do your best for the
2 exploitation of Great New Guinea.

3 "Palao, May 20.

4 "INOUE

5 "To: Branch Manager, HORIYE,
6 Department Chief, MAKITA, and the Entire
7 Staff at Nomi."

8 We offer in evidence prosecution document
9 2612-E, a letter dated 30 May 1940. This letter is
10 a further excerpt from exhibit No. 1326 for iden-
11 tification and is reproduced as an appendix to that
12 exhibit.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 2612-E will receive exhibit No. 1326-E.

16 (Whereupon, the document above
17 referred to was marked prosecution's exhibit
18 No. 1326-E and received in evidence.)

19 MR. LAVERGE: We will now read exhibit
20 No. 1326-E entirely:

21 "Outside on the envelope: HAYASHI, Kyujiro,
22 President-Director of the Japanese South-Seas Assoc-
23 iation, Batavia.

24 "from CHUANG, from British Penang . . . Street
25 167.

1 "Inside the envelope: Addressed to
2 President TSUKIHARA.

3 "Dear President TSUKIHARA:

4 "It is a long time since I saw you last,
5 but I have been feeling an irresistible yearning
6 after you and have been always wondering as to how
7 you are getting along. In any case, I hope that
8 things are going along smoothly with you both in
9 your official and private life.

10 "You were so kind at the time to engage me
11 for the Overseas Intelligence Bureau, but I feel
12 ashamed that I have as yet been able to do so little,
13 which I believe is due to my not being favored yet
14 with the right opportunity.

15 "Recently when the situation in Europe has
16 become tense, and with the prospect of the collapse
17 of this European Empire, your Bureau has with re-
18 doubled energy worked towards realizing the great
19 plan for the domination of East Asia, which is a gigan-
20 tic scheme unparalleled in history. I feel, indeed,
21 extremely happy at the honor of being made a member.
22 In the event of this purpose being achieved in future
23 by rendering meritorious services, it would probably
24 become impossible to fully describe our delight on
25 seeing the blue-eyed people who oppressed us in

1 the past having to hang their heads low beneath
2 the knees of the Japanese people.

3 "In accordance with your instructions to
4 intensify my activities, I have made contact with
5 my comrades in Siam and five of them have already
6 entered that country in disguise. As objects of
7 espionage it is our duty to obtain confederates, to
8 commit sabotage, to incite the natives to hostility,
9 and to spread alarming rumors. In this respect I
10 entirely follow your instructions. These five agents
11 each work separately. You previously wrote me that
12 a high official would come to the South and that
13 we should receive instructions from him on secrecy
14 items. This has now happened, judging from the
15 report in the press that Kyujiro HAYASHI, an
16 important diplomat and also Head of the Intelligence
17 Bureau, has arrived safely at Batavia by a Royal
18 Dutch Company's plane at 4:30 P.M. of the 23rd inst.
19 It is obvious that our work hereafter will increase
20 in seriousness still more and that we shall be re-
21 ceiving definite instructions more and more. It sheds
22 a great light upon us.

23 "From what I have heard, Britain has no more
24 military strength to fight back because British
25 Imperialism has lately suffered disastrous defeats

1 in the European War, and will before long suffer the
2 sad plight of national ruin and a doomed race. To
3 cover their shame, the local authorities have ex-
4 pressly stationed mixed troops, consisting of old
5 and feeble soldiers, at important points of commun-
6 ication, such as railway bridges for defense purposes,
7 and strategic points like air-bases are also in
8 the list of places to be patrolled.

9 "This crazy small nation has the fancy
10 that the stationing of troops in this manner would
11 serve to inspire confidence among the people, quite
12 ignorant of the fact that, by so doing, they are
13 only cutting a still more ridiculous figure of
14 their own hurry-scurry confusion. On investigating
15 the morale of the said mixed troops of volunteers
16 it has been found that they all entertain a grudge
17 in their hearts, and only few among them are willing
18 to sacrifice their lives for this devilish regime.
19 I may safely assert that, should I incite them by
20 taking advantage of their weak spot, these volunteers
21 would find it impossible to fulfill their duties.

22 "In accordance with orders duly received
23 from our superiors we have decided to utilize large
24 amounts in nearest future for the purpose of corrupting
25 the soldiers and the people as well as to organize a

1 fifth column to be ready when the fighting begins.
2 In view of the important nature of the matter, I am
3 afraid that it would be impossible to obtain satis-
4 factory results unless personnel, labor and materials
5 are supplied in large number and volume and reason-
6 ably distributed. As I am enjoying your special
7 patronage I feel I should advise you of all matters
8 in detail. I do hope you will pay due attention to
9 it.

10 "The salary and campaigning expenses that
11 you secretly sent me the other day have been already
12 safely received.

13 "As regards results, it has become further
14 improved and effective propaganda combined with
15 the war situation have convinced soldiers and people
16 that this inferior Government will soon collapse so
17 that another powerful nation must be obtained to
18 guarantee their security, apart from which they
19 are all desirous of rendering their services as a
20 result of having given them a little money. However,
21 the chance has not yet come. My comrades have already,
22 by disguising themselves, succeeded recently in
23 stealing various important topographical maps as
24 well as data regarding the distances of military
25 forces. Should you desire to have them, please

1 advise me, at the same time inform me in detail the
2 manner of forwarding the same, which will skip the
3 attention of the censorship. I shall send it all
4 right.

5 "Please address your correspondence here-
6 after to my former address, as I intend to cast off
7 public suspicion by my removal.

8 "Be so good as to translate this letter
9 into Japanese before passing it on to the higher
10 authorities. Best regards,

11 "(Signed) Chuang Kung Ming

12 "Overseas Intelligence Bureau

13 No. 265

14 "dated 30 May, the 29th Year of the Republic (1940)."

15 We offer in evidence prosecution document
16 15-B, an excerpt from exhibit 803 for identification,
17 being an intercepted telegram sent from Batavia to
18 Tokyo on 2 September 1941.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 15-B will receive exhibit No. 1327.

22 (Whereupon, the document above
23 referred to was marked prosecution's exhibit
24 No. 1327 and received in evidence.)

25 MR. LAVERGE: We will now read parts of

1 exhibit 1327. I might add that as is shown in
2 exhibit 1323, and as will further appear from a
3 document which we will introduce presently, the
4 sender of this telegram, ISHIZAWA, was the Japanese
5 Consul-General in Batavia.
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"From: Batavia (ISIZAWA) To: Tokyo

September 2, 1941 #902

"Re the first part of Circular #261a from
Ambassador HONDA.

"1. Conditioned by our military invasion
of French Indo-China, it is a fact that the government
of these islands has drastically stepped up their anti-
Japanese tendencies and very evidently assured an atti-
tude of aid to China. This is evidenced by the uncon-
vincing control exercised by the authorities here over
the anti-Japanese editorials of the Chinese press, the
solicitation of funds for the construction of military
airplanes for Chungking among Chinese residents here,
and their demand for suspension of publication of the
Japanese-operated East India Daily News Chinese char-
acter edition, as well as the Malayan language magazine
Sinarusuratan. However, on the other hand, in order
that we may give a sufficiently clear picture of the
situation, there is a small group of Chinese resident
here whose anti-Japanese tendencies have slightly im-
proved as a result of the activities of the government
here. However, no sooner than they got the impression
that these Chinese were coming slightly closer to us
in feeling, it could be seen that they began to exercise
their old tendencies on a still greater scale. Japan-
ese who had good contacts with Chinese here were

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1 unmercifully exiled, and these Chinese friends were
2 hauled unceremoniously to the police stations for
3 questioning or possibly taken before the person in
4 charge of Chinese affairs here. It has been anonymously
5 reported that a statement has been made that
6 they are in danger of their lives. Thus, they have
7 begun to hinder our schemes with regard to the Chinese
8 with more and more determination."

9 We will not read paragraph 2, but will
10 continue reading from paragraph 3 near the middle
11 of page 2 onwards:

12 "3. Having said all this, I endeavored to
13 refute him with all the strength that I could command.
14 RO, however, would not be convinced and adamantly stuck
15 to his statements. Not only is the situation like this,
16 but recently the fact that the police strength on these
17 islands has been greatly augmented has made it extremely
18 difficult for us to carry on our schemes toward the
19 Chinese residents here. As a consequence, the situation
20 practically means that we can do nothing directly.
21 Therefore, I would like to have our organs here for the
22 manipulating of public opinion as well as those who work
23 in the development of our schemes remain passive for a
24 little while. For the time being, we are concentrating
25 our efforts in the collection of intelligences having

1 to do with the activities of Chinese here as well as
2 other things.

3 "4. Therefore, in the meantime, until we
4 have securely brought French Indo-China and Thai
5 within our sphere of influence, I think that it would
6 be most propitious for us to strengthen our schemes
7 with regard to the Chinese here. For this purpose
8 I would like to have sent to these islands influential
9 persons in whom the Nanking Government has much confi-
10 dence, who can command large numbers of followers among
11 the Chinese here, who will have for their main objec-
12 tive the preaching of the doctrine that the Chinese and
13 the Japanese are one, as well as set up organizations
14 to influence Chinese opinion.

15 "These men would have absolutely no relations
16 with either this office or with Japanese persons but
17 would meet in large and small groups and talk with
18 influential Chinese as well as substantial individuals
19 of that group here.

20 "Please transmit this message to Ambassador
21 HONDA in China and to other competent diplomatic offi-
22 cials to whom this information, in your good judgment,
23 might be usable."

24 The next documents will be introduced by
25 General Borgerhoff Mulder.

1 MR. JUSTICE BORGERHOFF MUIJDER: We will now
2 continue the presentation of our evidence by intro-
3 ducing documents to show how, from the summer of 1941
4 onwards, preparations for military operations against
5 the Netherlands Indies were completed, how aggression
6 against the Netherlands was decided upon, and how
7 the actual military operations were carried out.

8
9 The Tribunal's attention is respectfully
10 invited to exhibit No. 809, being an ATIS Research
11 Report, entitled "Japan's Decision to Fight." Many
12 relevant parts have already been read; but, with
13 the Tribunal's permission, we will read a few para-
14 graphs which have not been read before. We start
15 reading near the end of the second column of page
16 9 of the English text.

17 "THE ARMY-NAVY CENTRAL HEADQUARTERS
18 AGREEMENT.

19 "The object of Imperial Headquarters, Army
20 Department and Imperial Headquarters, Navy Depart-
21 ment in setting forth clearly the division of duties
22 and command in joint operations was to promote a
23 maximum display of efficiency. (According to pri-
24 oner of war, it was issued at the end of October
25 1941. A resume of the contents follows:)

"1. The highest ranking Army officer for

1 SUMATRA, BORNEO, the MALAY peninsula, CELEBES, and
2 the PHILIPPINES (including FRENCH INDO-CHINA and
3 THAILAND) will be Field Marshal TERAUCHI, Hisaichi.
4 His command will be called the Southern Army and
5 its Headquarters will be in SAIGON.

6 "2. Plans for escorting large Army con-
7 voys and the place, time and date for landings.

8 "3. Agreements on Aerial Warfare Agree-
9 ments on the places to be attacked by both Army
10 and Navy planes and on the places, dates and times
11 of attacks by Army or Navy planes acting independ-
12 ently. Agreements on the airfields to be used, such
13 as 'XX Airfield will be used primarily by the Army
14 and secondarily by the Navy.'

15 "4. Supply plans.

16 "Plans for the supply of Army landing
17 forces to be effected by Army shipping and for the
18 Navy's support of same.

19 "5. Communications plans.

20 "6. Agreement on occupied territories,
21 cities, and resources such as, 'The BAND-JERMASIN
22 Oil Refinery,' will be controlled by the Navy."

23 In view of the evidence presented on
24 Japanese espionage activities in the Netherlands
25 Indies, the Tribunal might wish to consider the

1 maps, showing the disposition and strength of the
2 Netherlands Forces, which are reproduced on pages
3 36, 37 and 38, and the map giving details about
4 airfields and air forces in the Southwest Pacific
5 area, reproduced opposite page 33.

6 We respectfully invite the Tribunal's
7 attention to the resolution adopted by the Imperial
8 Conference on 6 September 1941, contained in exhibit
9 588, in which it is stated that Japan will execute
10 her Southern Advance Policy by completing her
11 military preparations for a war with the United
12 States, Britain and the Netherlands by the end of
13 October 1941, and by determining to wage war on
14 the United States, Britain and the Netherlands if
15 there is no hope for the fulfilment of Japanese
16 demands by the beginning of October.

17 We will next offer in evidence two docu-
18 ments, showing how, after the Third KONOYE Cabinet
19 had been replaced by the TOJO Cabinet in October
20 1941, a close study was made of a number of ques-
21 tions which might arise, both at home and abroad,
22 in the event of Japan's entering the war.

23 We offer in evidence prosecution document
24 No. 1585A, a list of questions which, as appears
25 from the certificate attached to the document, were

1 drawn up for the Liaison Conference between the
2 Government and Imperial Headquarters at the end
3 of October 1941.

4 THE PRESIDENT: Admitted on the usual
5 terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 1585A will receive exhibit No. 1328.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1328 and received in evidence.)

11 MR. JUSTICE BORGERHOFF MULDER: We will now
12 read part of exhibit 1328.

13 "(State Secret)

14 "MAJOR ITEMS TO BE RE-EXAMINED CONCERNING
15 ESSENTIALS FOR THE PROSECUTION OF NATIONAL POLI-
16 CIES.

17 "1. What is the future outlook of the
18 European War Situation? (Foreign Ministry and
19 Statistics Bureau)

20 "/Marginal Note/ In the present case.

21 In case Japan initiated war.

22 "2. What is the future outlook from the
23 point of view of strategy in regard to a war against
24 the United States, England and Holland in the
25 initial stage and when protracted over several

years? In the afore-mentioned case what would the
1 military measures of the U.S.A. and England, avail-
2 ing themselves of Japanese unoccupied areas in
3 China be? (Statistics Bureau)

4 "/Marginal note/ The North to be con-
5 sidered simultaneously, also.

6 "3. Assuming that we initiate a war in
7 the Southern regions this fall, what will be forth-
8 coming as relative phenomena in the North? (War,
9 Navy and Foreign Ministries and Statistics Bureau)

10 "4. What are the estimates of the ship-
11 ping to be commandeered by the government and also
12 of the wear and tear thereof during the first three
13 years following the outbreak of a war against the
14 United States, England and Holland? (Statistics
15 Bureau)

16 "5. In this connection, what are the
17 estimates on the transportation capacity of vessels
18 available for civilian purposes in the country, and
19 also on the supply and demand of major commodity
20 items? (Planning Board)

21 "6. What will be the scale of the govern-
22 ment's war budget, and the sustaining power in fi-
23 nance and credit in the event of a war against
24 America, England and Holland? (Finance Ministry)
25

1 "7. What degree of collaboration can
2 we induce Germany and Italy to give us in con-
3 nection with the opening of the war against the
4 United States of America, England and Holland?
5 (Foreign, War and Navy Ministries)

6 /Marginal note/ Opposed to Finance
7 Minister's view in regard to acquisition of re-
8 sources.

9 "8. Is it possible for us to restrict
10 our adversaries of the war to only the Netherlands,
11 or Britain and the Netherlands? (Foreign Ministry
12 and Statistics Bureau)

13 "9. Assuming that the war is to begin
14 next year in March:

15 "How about advantages and disadvantages
16 in foreign relations? (Navy, Foreign and War
17 Ministries and Statistics Bureau)

18 "Outlook on the supply and demand of
19 important resources? (Planning Board, War and
20 Navy Ministries)

21 "How about advantages and disadvantages
22 considered from the strategic point of view?
23 (Statistics Bureau)

24 "Taking the foregoing into consideration,
25 when should the war be commenced? (War, Navy and

1 Foreign Ministries and Statistics Bureau)

2 "In this connection, what about the pos-
3 sibility and advantages of maintaining the present
4 status by giving up the war plan against the U.S.,
5 England and Holland and increasing the production
6 of synthetic oil? (Planning Board, War and Navy
7 Ministries)

8 "10. Will it be possible to attain within
9 the shortest possible time our minimum demand which
10 was decided at the Imperial Conference of September
11 6 by continuing negotiations with the United
12 States? (Foreign, War and Navy Ministries)

13 "To what extent should we modify our minimum
14 demand to arrive at a compromise? And can the
15 Japanese Government accept it? (Foreign, War
16 and Navy Ministries)

17 "Assuming that we accept the United States
18 memorandum of October 2 in its entirety, what
19 change will there be in regard to Japan's inter-
20 national position, especially towards China, as
21 compared with that of before the China Incident?
22 (Foreign, War and Navy Ministries)

23 "11. How will the opening of a war
24 against the United States, England and Holland
25 affect Chungking's determination? (Foreign, War

1 and Navy Ministries)"
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1 The answers to those questions, contained
2 in exhibit 1328, document 1585A, just received in
3 evidence, which were to be studied by the Foreign
4 Ministry, are contained in prosecution document 1559A,
5 which we now offer in evidence.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 1559A will be given exhibit No. 1329.

9 (Whereupon, the document above referred
10 to was marked prosecution's document No. 1329
11 for identification, and was received in evidence.)

12 MR. JUSTICE BORGERHOFF MULDER: We will read
13 part of exhibit 1329, starting at Point 7, near the
14 end of Page 3.

15 "In case of outbreak of war against Britain,
16 America and the Netherlands, how much cooperation can
17 we make Germany and Italy promise?

18 "A. It is impossible to expect a great deal.

19 "a. In case war breaks out this autumn:

20 "Germany has hitherto given us the impression
21 that she would attack America in case a war breaks out
22 between Japan and America. In view of the obligations
23 arising from the Tripartite Treaty, we can expect
24 Germany and Italy to begin war against America depending
25 on our attitude. But in this case, German (and

1 Italian) declaration of war against America would only.
2 mean that they would take further steps in their present
3 relations against America. Their attack upon American
4 vessels and warships in the Atlantic would be inten-
5 sified, and they would play an effective role by divers-
6 ing America in their landing operations on the British
7 mainland, which would help us indirectly.

8 "But it is difficult to expect all these
9 from Germany (or Italy) which might require a prepara-
10 tory period for the next operations after she comes
11 to a pause in attacking Russia. Furthermore, now that
12 the contact /T.N. with Germany/ through the Siberian
13 Railway has been cut off, it is impossible to expect
14 materials and economic assistance from Germany.

15 "As for the case of our advance to the Dutch
16 East Indies, Germany has contemplated pressing the
17 Dutch people in Holland to bring pressure upon the
18 Dutch East Indies, but we doubt its effect at present
19 since a considerable number of German prisoners still
20 remain in the Dutch East Indies.

21 "b. In case war breaks out next spring:

22 "The German forces are hinting to carry out
23 landing operations on the British mainland next spring
24 and the preparations on the French coast seem to be
25 considerably advanced, but we cannot affirm that the

1 operations will be carried out. The attack on the
2 British mainland will indirectly help Japan to fight
3 against Britain and America, but no more direct as-
4 sistance can be expected except the operations of the
5 Japanese and German forces which will indirectly bene-
6 fit each other, since the hope of our contact /T.N.
7 with Germany/ through Siberia will be difficult even
8 next spring. As we are not sure whether the landing
9 operations on the British mainland will take place
10 next spring, it is dangerous to rely upon it.

11 "In both cases of (a) and (b) the greatest
12 help that we can expect from Germany and Italy will
13 be the advance of the German and Italian forces to the
14 Near East, Central Asia and India. In this connection,
15 as our advance must be carried out in accordance with
16 them, a full arrangement is required beforehand.

17 "c. In case war breaks out later than next
18 spring:

19 "When Germany has consolidated her occupied
20 areas and established a new order in Europe, her
21 attack upon Britain will be much more intensified.
22 And consequently it may bring considerably advantag-
23 eous effect upon us to fight America, but we must
24 take into consideration the possibility of peace between
25 Germany and Britain."

1 "8. Can our opponents in war be restricted
2 to the Netherlands or both to Britain and the Nether-
3 lands?

4 "A. No possibility of restricting them only
5 to the Netherlands or to Britain and the Netherlands.
6 As for the attitude to be taken by Britain and America
7 provided that Japan advances by force to the South,
8 namely Thailand, Burma, Singapore and the Dutch East
9 Indies, we have certainly not yet heard of any mili-
10 tary alliance nor any settlement concerning coopera-
11 tion among Britain, America and the Netherlands (or
12 the Chungking regime). But it is almost of no doubt
13 that they have mutual understanding concerning this
14 joint defense in case Japan carries out an armed advance
15 to any one of these countries. The attitude of Britain
16 and America will also be affected to a great degree
17 by the time and manner of our military advance to the
18 south, the international situation at the time, and
19 the internal situation of both Britain and America.
20 It is necessary to take into consideration all probable
21 cases which may take place in this connection, but at
22 any rate we cannot restrict our opponents only to the
23 Netherlands or to Britain and the Netherlands in case
24 of our southward advance, and we must also be ready
25 for Russia's entering the war."

1 "Now we have made the following general
2 forecast concerning each country, judging from the
3 present situation.

4 "1. Britain (including Australia, Canada,
5 etc.). When we advance to the Dutch East Indies we
6 might expect Britain to carry out, first of all, a
7 diplomatic campaign regarding us and the Dutch Indies,
8 but we can expect that she probably will make up her
9 mind to take up arms for her self-defense. (Whether
10 she will take up arms immediately or not will depend
11 on the situation thereof.) Judging from Britain's
12 reports and behavior until the present, we are con-
13 siderably sure of this view.

14 "2. America. In a case as pointed out
15 above, Britain may at once ask for American assistance.
16 Therefore, even if America does not participate in the
17 war immediately, she will, of course, acceleratedly
18 strengthen her military preparations. Then we can
19 suppose that in such a situation she will take the fol-
20 lowing steps:

21 "a. Diversionary measures against us by way
22 of diplomacy.

23 "b. Close her consulates.

24 "c. Recall ambassadors.

25 "d. Severance of her diplomatic relations."

1 "e. Demonstrations by her navy and air forces.

2 "But it is dangerous to form such a view that
3 America would take gradual steps toward us, judging
4 from her attitude towards Germany. For we cannot
5 but expect America to take much more prompt steps in
6 case we advance to the south, compared with the case
7 when Germany swept over the European countries. Amer-
8 ica would presumably be unable to overlook the Japanese
9 southward advance as 'another's business' because of
10 the following reasons:

11 "a. In a sense she considers the southwes-
12 tern Pacific area as within the zone over which she
13 has the power of utterance (as seen in the Japanese-
14 American negotiations.)

15 "b. Some materials of the above mentioned
16 area are necessary in America (gum, tin, etc.)

17 "c. She fears lest she should entirely
18 lose her right of utterance in Chinese problems.

19 "d. She is afraid of our occupation of the
20 Philippines.

21 "e. The American public opinion would be
22 more excited than in the case of the European War.

23 "9. Advantages and disadvantages of our
24 foreign relations in case war breaks out about March
25 of next year:

1 "a. Advantages

2 "1. As a result of the Russo-German War,
3 the Soviet forces in European Russia may suffer a
4 crushing blow and be very busy with reconstruction
5 from this winter until next spring. Consequently, a
6 considerable transfer of the strength of the Soviet
7 Far Eastern Army and an increasing unrest within the
8 country are anticipated. Therefore, we think that
9 for us the threat and burden in the north will be
10 less than at present.

11 "2. Depending on the situation there may
12 also be some slight chance of taking diplomatic measures
13 regarding Russia so as to mediate Russo-German peace.

14 "3. As German winter operations are expected
15 to be directed toward Africa, the Near East, and Central
16 Asia, Britain must exert herself to defend these areas.
17 With the preparations to meet German landing operations
18 on the British homeland, etc., the European theatre
19 will become busy; consequently her position in East
20 Asia will be weakened and Germany's diversionary role
21 will be more effective than at present.

22 "4. Even if America does not participate
23 in the war by next March, her preparations for entering
24 the war will be further advanced; consequently inter-
25 nally she will be increasingly troubled by difficult

1 problems of domestic administration and finance; mili-
2 tarily there is a possibility that she will have to
3 divide her strength in the Pacific; while diplomatic-
4 ally there is the possibility that she will have to
5 soften her attitude toward us.

6 "5. We shall get time to improve and strength-
7 en our diplomatic position in the Thailand and French
8 Indo-China areas.

9 "b. Disadvantages

10 "1. We think that our economic difficulties
11 will rather increase by March of next year.

12 "2. Militarily there may be danger in also
13 giving the opponents time for preparation."
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1 We respectfully call the Tribunal's
2 attention to exhibit No. 878, containing decisions
3 of the Imperial Conference of 5 November, 1941,
4 concerning measures to be taken toward foreign
5 countries. With the Tribunal's permission, we will
6 read one paragraph of this exhibit. We start read-
7 ing at the top of page 2:

8 "Policy towards the Dutch East Indies.

9 "In order to help conceal and disguise our
10 intentions, we shall open as soon as possible a
11 series of diplomatic negotiations /with the Dutch
12 East Indies/, in the form of continuation of prev-
13 ious negotiations, with the chief object of obtain-
14 ing commodities needed by our country."

15 We respectfully invite the Tribunal's
16 attention to exhibits 1169 and 1176, containing
17 decisions reached at the Imperial Conference of
18 5 November, 1941, and plans for the execution of
19 the war against the United States, Great Britain
20 and the Netherlands. We would like to draw
21 attention to the fact that in both exhibits on
22 pages 5 and 1 respectively, of the English text,
23 under the heading "Principle for Hastening the
24 Conclusion of the War Against the United States,
25 Great Britain, Holland and the Chungking Regime,"

1 it is stated that Japan will make part of the
2 Netherlands Indies independent and retain other
3 parts in the Japanese Empire.

4 The Tribunal's attention is invited to
5 exhibit 1252, containing the Combined Fleet Ultra-
6 Secret Operation Orders 1, 2 and 7, which provide
7 for naval operations against the Netherlands
8 Indies, to start on 8 December, 1941.

9 The Tribunal's attention is invited to
10 exhibit No. 877, being a decision by the Liaison
11 Conference between the Imperial Headquarters and
12 the Government, dated 20 November 1941, and marked
13 "National Top Secret," which provides for a mili-
14 tary administration to be introduced in the Southern
15 Areas, which are to be occupied, until a decision
16 for their future disposal can be taken at a later
17 date.

18 We offer in evidence prosecution document
19 2612F, an excerpt from exhibit 2612 for identifi-
20 cation, being an intercepted telegram sent by the
21 Japanese Consul General in Batavia to the Japanese
22 Consuls in various places in the Netherlands
23 Indies on 29 November, 1941.

24 THE PRESIDENT: Admitted on the usual
25 terms.

1 CLERK OF THE COURT: Prosecution's docu-
2 ment No. 2612F will receive exhibit No. 1330.

3 (Whereupon, the document above re-
4 ferred to was marked prosecution's exhibit
5 No. 1330 and received in evidence.)

6 MR. JUSTICE BORGERHOFF MULDER: I read
7 exhibit 1330:

8 "Dispatched: November 29, 1941.

9 "Arrived: November 30, 1941.

10 "Sent by: Consul-General ISHIZAWA.

11 "To: Consul NONOMURA.

12 "Subject: Re investigating and reporting
13 of the movements of foreign ships (to be kept secret
14 for 'foreign').

15 "Code No. of signal 344.

16 "Telegram from the Minister, signal No.
17 2431.

18 "Urgent telegram.

19 "As from December 1st, please investigate
20 and telegraph in each instance: nationality, name,
21 port of arrival or departure, date of arrival or
22 departure, port of destination, etc. of foreign
23 merchantmen or warships operating in the Pacific,
24 the Indian Ocean and the South China Sea zones."
25

THE PRESIDENT: We will adjourn now until

1 half-past nine tomorrow morning.

2 (Whereupon, at 1600, an adjourn-
3 ment was taken until Thursday, 5 December
4 1946, at 0930.)

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